

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31132 of 2024

Arising Out of PS. Case No.-308 Year-2022 Thana- BACHHWARA District- Begusarai

Amitesh Kumar Son of Bisheshwar Rai Resident of Village- Mau,
Dhaneshwar, P.S- Vidyapati Nagar, Dist- Samastipur Currently Resident of -
Basuliya Tol, Ward no- 15,P.S- Bachhwara, Dist- Begusarai

... .. Petitioner/s

Versus

The State Of Bihar Patna

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate
For the State : Mr. Pranav Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 12-07-2024 Heard Mr. Saroj Kumar Sharma, learned counsel
for the petitioner and Mr. Pranav Kumar, learned Additional
Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bachhwara P.S. Case No. 308 of 2022, F.I.R. dated 28.11.2022 for the offences punishable under Sections 304(B), 201 and 34 of the Indian Penal Code.

3. According to prosecution case, the daughter of the informant was killed by the accused persons on non-fulfillment of the demand of dowry.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the



allegation as alleged is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submits that from a bare perusal of the FIR it appears that there is no accusation of any assault or overt act or demand of dowry against the petitioner rather general and omnibus allegation against the petitioner. He further submits that the petitioner is brother-in-law (*devar*) of the deceased. He further submits that the co-accused person, namely, Sunil Rai @ Sunil Kumar @ Sumit Kumar (husband of the deceased), has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 28.11.2023 passed in Cr. Misc. No. 55272 of 2023 and other co-accused person, namely, Bisheshwar Ray (father-in-law of the deceased) has also been granted bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No. 16981 of 2024.

5. Learned Additional Public Prosecutor for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the fact that petitioner having clean antecedent and there is no accusation of any assault or overt act attributed against the petitioner and co-accused persons have already been granted



bail by this Court and the co-ordinate Bench of this Court, let the petitioner, above named, in the event of arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Begusarai in connection with Bachhwara P.S. Case No. 308 of 2022, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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