

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46062 of 2024

Arising Out of PS. Case No.-197 Year-2014 Thana- BARHIYA District- Lakhisarai

SHIV SHANKAR SINGH @ SHIBU SINGH SON OF LATE
BINDESHWARI SINGH VILLAGE- KHUTHADIH, P.S.- BARAHIYA,
DISTT.- LAKHISARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Parmanand Pd. Nr. Sahi, Advocate

For the Opposite Party/s : Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 24-07-2024

Heard the parties.

2. The petitioner is apprehending his arrest in connection with Barahiya P.S. Case No. 197 of 2014 for the offence punishable under sections 304B, 120B/34 of the IPC and charge sheeted under section 302, 201/34 of the I.P.C. lodged on 13.11.2014 by the informant, Sudhir Kumar.

3. As per the prosecution story, the informant alleged that his daughter was married to one Rajesh Kumar in the year 2014 after the death of her first husband, Kanhaiya Kumar but was tortured for dowry and later, she was set on fire. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is a villager and has no role to play in the family affairs, only



because he is close to the husband of the deceased, implicated. He further submits that the delay in coming to the Court, the FIR being of the year 2014 is that earlier the police had submitted final form but later, cognizance has been taken by the concerned Court. The last submission is that the husband, Rajesh Kumar is on bail.

5. Learned APP opposes the prayer submitting that cognizance has been taken against him, still he delayed in coming to the Court.

6. Taking into account the fact that he is a villager, and do not have criminal antecedent, now that the cognizance has been taken, he will be facing the trial, this Court is inclined to extend him the privilege of anticipatory bail with conditions.

7. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Chief Judicial Magistrate, Lakhisarai, in connection with Barahiya P.S. Case No. 197 of 2014 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official



document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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