

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43817 of 2024

Arising Out of PS. Case No.-1008 Year-2023 Thana- ARA NAGAR District- Bhojpur

Sunny Kumar Son of Srikant Kumar @ Sri Kant Kumar R/o Vill.- Khetari
Mohalla, P.S.- Ara Town, Dist.- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Shashank Shekhar, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP
For the Informant	:	Mr. Raju Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 13-12-2024 Heard Mr. Shashank Shekhar, learned counsel for the petitioner, Mr. Raju Kumar Singh, learned counsel appearing on behalf of the informant as well as Mr. Harendra Prasad, learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 19.01.2024 in connection with Ara Town P.S. Case No. 1008 of 2023, F.I.R. dated 13.12.2023 for the offences punishable under Sections 304B and 34 of the Indian Penal Code.

3. According to prosecution case, this petitioner along with his family members set the deceased on fire due to non-fulfillment of demand of dowry resulting into her death.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been



implicated in the present case merely on the ground that the petitioner is husband of the deceased. He further submits that it has come during investigation in the paragraph nos. 29, 30 and 36 of the case diary where the independent witness has stated that the deceased has locked herself in a room and set herself ablaze. He further submits that at the time of occurrence the petitioner was not present in the house. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 19.01.2024.

5. The learned counsel appearing on behalf of the informant as well as learned Additional Public Prosecutor have vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the deceased and the deceased died within 7 years of marriage in the house of the petitioner.

6. Considering the aforesaid facts and circumstances that the petitioner has clean antecedent and it has come during investigation that the deceased has committed suicide herself, let the petitioner, above named, 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 Chief Judicial Magistrate, Bhojpur at Ara in connection with Ara



Town P.S. Case No. 1008 of 2023, subject to the 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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