

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52962 of 2024

Arising Out of PS. Case No.-124 Year-2024 Thana- BYPASS District- Patna

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Jitendra Mehta @ Jitendra Kumar S/o Munna Mehto R/o Mohalla - Maharani
Colony, Rashida Chak, P.S. - By Pass, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Krishna Jha, Adv.

For the Opposite Party/s : Mr.Md. Matloob Rab, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 04-10-2024 Heard the parties.

2. The petitioner is in custody in connection with Bypass P.S. Case No. 124 of 2024 instituted under Sections 304(B), 34 of the Indian Penal Code lodged on 29.03.2024 by the informant, Vinesh Prasad.

3. As per the prosecution story, the deceased was married to the petitioner but was always tortured for dowry. The further allegation is that on 28.03.2024, the informant was informed by the petitioner that his daughter is no more.

4. Learned counsel for the petitioner submits that the deceased who was his wife was earlier married to another person and, the couple was blessed with a child. Subsequently, while the deceased and the petitioner working together at the same place, due to love affairs solemnized marriage and from the wedlock, three children were born. During lockdown, he



found the lady having conversation with the first husband, scolded which resulted into the ultimate decision by her to end the life. The *bona fide* can be seen from the fact that on the same day, the petitioner went into the judicial custody.

5. Learned APP opposes the prayer submitting that he is the husband.

6. Though the petitioner is the husband, the fact remains that the door was broken whereafter the body was recovered, he has remained in custody since 29.03.2024 (para-6 of the petition), FIR is there, he undertakes to appear in trial, has got no criminal antecedent and has explained the situation, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-VIIth, Patna City in connection with aforesaid P.S. Case subject to the following conditions:-

(i) one of the bailors should be the family member of the petitioner who shall provide official document to show his *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 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;

(iv) 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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