

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61128 of 2024

Arising Out of PS. Case No.-460 Year-2023 Thana- BAHERA District- Darbhanga

Vivek Kumar Dev @ Vivek Kumar Lal Dev S/O Vipul Lal Dev @ Vipul Kumar Dev, R/O Village- Ufardaha, Police Station- Bahera, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ashok Kumar Prasad, Advocate
For the Opposite Party : Mr. Sanjay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 23-08-2024 Heard Mr. Ashok Kumar Prasad, the learned counsel for the petitioner and Mr. Sanjay Kumar, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 22.02.2024, in connection with Bahera P.S. Case No. 460 of 2023, FIR dated 17.12.2023, registered for the offence punishable under Sections 306 read with Section 34 of the Indian Penal Code.

3. According to the prosecution case, the petitioner established physical relationship with the victim under the pretext of solemnizing marriage. It is further alleged that the father of the petitioner demanded Rs. 15,00,000/- (Rupees fifteen lakhs) from the victim's family for solemnizing marriage and under depression the victim committed suicide leaving



behind a suicide note.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. He further submitted that the petitioner has been made accused in the present case because petitioner was in love with the victim. He lastly submits that the police after investigation has submitted chargesheet against the petitioner on 10.04.2024 and petitioner is in custody since 22.02.2024.

5. The 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, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate, Benipur, Darbhanga, in connection with **Bahera P.S. Case No. 460 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 learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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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