

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61095 of 2024

Arising Out of PS. Case No.-214 Year-2022 Thana- HASPURA District- Aurangabad

Shiv Shankar Kumar Son of Ashok Kumar @ Ashok Yadav @ Ashok Kumar
Yadav Resident of Village- Somar Bigha, P.S.- Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saurav Kumar, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 20-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. Earlier the regular bail of the petitioner was rejected vide order dated 26.02.2024 passed in Cr. Misc. No. 28590 of 2023 (Annexure-P/1) with an observation that if the trial is not concluded within a period of three months, the petitioner will be at liberty to renew his prayer for bail before the Court below. The present is the second application for regular bail filed on behalf of the petitioner.

3. The petitioner seeks bail in Haspura P.S. Case No. 214 of 2022, instituted for the offences punishable under Sections 341, 323, 328, 304(B)/34 of the Indian Penal Code.



4. The allegation against the accused persons including the petitioner is of demanding Rs. 5,00,000/- in cash, one motorcycle, chain of gold, one freeze, one cooler from the sister of the informant and due to non-fulfillment of the same, the accused petitioner and his father brutally assaulted the sister of the informant and they also forcibly fed poison to her and during treatment, she died.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. The petitioner is the husband. Learned counsel for the petitioner further submits that the allegation of demand of dowry and torture is false and fabricated. He points out that the deceased lady had delivered a baby girl by surgical operation on 26.06.2022 and after delivery, the complication occurred and thereafter, she was again admitted in the hospital and she died during course of treatment in presence of the informant and family members. It is further submitted that in the postmortem report, there is no external injury on the body of the deceased. The petitioner is in custody since 15.09.2022 and has got no criminal antecedent.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner.



7. Pursuant to the earlier order of this Court dated 26.08.2024, a report dated 31.08.2024 regarding stage of the case has been received from the Court below. From the aforesaid report, it appears that charge has been framed against the petitioner on 24.07.2023 and out of six charge sheeted witnesses, two witness have been examined by the prosecution.

8. Considering the aforesaid facts and circumstances of the case and taking into account the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Haspura P.S. Case No. 214 of 2022, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(III) 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.

(Rudra Prakash Mishra, J)

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