

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62657 of 2024

Arising Out of PS. Case No.-148 Year-2023 Thana- BELDOUR District- Khagaria

Avsar @ Md. Avsar Son of Md. Henif, Resident of Village- Cheurhli, P.S.-
Beldeur, Distt.- Khagaria.

... .. Petitioner

Versus

The state of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Chandan Kashyap, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-10-2024 Heard Mr. Chandan Kashyap, the learned counsel
for the petitioner and Mr. Aditya Narayan Singh.1, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
27.10.2023, in connection with Beldour P.S. Case No. 148 of
2023, FIR dated 27.06.2023, registered for the offence
punishable under Section 304 read with Section 34 of the Indian
Penal Code.

3. According to the prosecution case, the informant's
daughter has been murdered by her in-laws over non-fulfillment
of dowry demand.

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 and petitioner has been made accused in the present case merely on the ground that petitioner happens to be the husband of the deceased. He further submits that in fact, due to an altercation that took place between the deceased and her mother-in-law, the deceased has committed suicide herself. He further submits that the said fact has also come in the paragraph nos. 9, 18, 19 and 20 of the case diary, which suggests that deceased has committed suicide herself. He lastly submits that the police after investigation has submitted the charge sheet against the petitioner and the petitioner is in custody since 27.10.2023.

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 and the materials available on record and case diary, 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 Chief Judicial Magistrate, Khagaria, in connection with **Beldour P.S. Case No. 148 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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