

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64398 of 2024

Arising Out of PS. Case No.-328 Year-2023 Thana- GAUTAMBUDHNAGAR District-
Siwan

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Shashi Baitha @ Shashi Kumar Rajak Son of Jay Shri Baitha Resident of
village - Nauranga, P.S.- G.B. Nagar Tarwara, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Rakesh Kumar, Adv.
For the Opposite Party/s : Mr.Dr. Ajeet Kumar, APP

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

ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner and

learned APP for the State. Perused the case diary.

2. The petitioner seeks bail in connection with G.B.
Nagar P.S. Case No. 328 of 2023 instituted for the offences
under Section 304B/34 of the Indian Penal Code.

3. As per prosecution case, the accusation against
the petitioner is that he along with other co-accused persons
killed the daughter of the Informant due to non-fulfillment of
dowry demand.

4. Learned counsel for the petitioner submits that
the petitioner is innocent and has committed no offence as
alleged against him and has falsely been implicated in the



present case. The petitioner is the husband of the deceased/daughter of the Informant. He further submits that actually the deceased has committed suicide. Although the petitioner is husband but, there is no specific or direct allegation of any overt act against the petitioner rather the same is general and omnibus in nature. There is no independent witness to the alleged occurrence rather the same are interested witness. It is further submitted that after occurrence, the petitioner had informed the Informant whereafter he came there and in his presence, the cremation was done. The petitioner has neither demanded dowry nor has killed the deceased. He further submits that nothing incriminating has been recovered from the place of occurrence. The petitioner has no criminal antecedent and is languishing in judicial custody since 30.11.2023 without any rhymes or reason.

5. Learned counsel for the petitioner again submits that the co-accused namely Ravi Baitha and Puja Devi have been granted bail by this Court vide order dated 02.04.2024 passed in Cr. Misc. No. 23201 of 2024.



6. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the petitioner is the husband of the deceased and the offence alleged against him is serious in nature.

7. Having heard rival contention of both the parties and taking into account the period of custody of the petitioner as also there being no specific and direct allegation of any overt act against the petitioner, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with G.B. Nagar P.S. Case No. 328 of 2023, subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate 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 in the event of failure on two consecutive



dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(iii) If the petitioner tampers with the evidence or the witnesses of the case by intimidating/pressurizing the witnesses, during the investigation or trial, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(Rudra Prakash Mishra, J)

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