

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74197 of 2024

Arising Out of PS. Case No.-657 Year-2023 Thana- MADHAURAH District- Saran

Sukdeo Rai @ Sukhdeo Rai Son of Umesh Rai Resident of Village- Pakha,
P.S.- Madhowrah, District- Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Rajani Kumari, Advocate
For the State : Mrs. Madhuri Lata, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 22-10-2024

Heard the parties.

2. The petitioner is in judicial custody in connection with Madhowrah P.S. Case No. 657 of 2023 for the offences punishable under Sections 304(B) and 34 of the Indian Penal Code, lodged on 14.10.2023 by the informant, Ramishwar Rai.

3. As per the prosecution story, the informant alleged that his daughter was married to this petitioner five years ago but was tortured for dowry and on the fateful day, came to know about her killing, accordingly, went to the place and having strong belief that she has been killed by the in-laws, the F.I.R.

4. Learned counsel for the petitioner submits that though the F.I.R. was lodged under section 304(B) of the Indian Penal Code, after investigation charge sheet has been submitted



under section 306 of the Indian Penal Code. He is the unfortunate husband, there is/was no marital discord and is in custody since 15.06.2024 (paragraph no.10 of the petition).

5. Learned APP for the State opposes the prayer submitting that the death took place within a period of seven years of marriage.

6. Though the allegation is there and the unfortunate death has happened, the facts remains that charge sheet has been submitted under section 306 of the Indian Penal Code, as undertaken by the learned counsel for the petitioner, he shall be diligently appearing in trial, is in custody since 15.06.2024 and do not have criminal antecedent, this Court is inclined to extend him the privilege of bail.

7. Let the petitioner 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 Chief Judicial Magistrate, Saran at Chapra in connection with Madhowrah P.S. Case No. 657 of 2023, subject to the following conditions:

(i) one of the bailor should be the family member/relative 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 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 now 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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