

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73364 of 2024

Arising Out of PS. Case No.-69 Year-2024 Thana- BIBHUTIPUR District- Samastipur

Md. Rahmat Son of Bangali Miyan Resident of Ward No. 12, Village-
Damodarpur, P.S.- Bibhutipur, District- Samastipur, Pin- 848211

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Ms.Suman Kumari Singh,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 04-10-2024 Heard Mr.Piyush Saurav, learned counsel for the

petitioner and Ms.Suman Kumari Singh, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Bibhutipur P.S.Case No.69 of 2024,FIR dated 07.03.2024 registered for the offences punishable under Sections 304(B)/34/120(B) of IPC, 1860.

3. According to prosecution case, petitioners alongwith other accused persons have committed the dowry death of the daughter of the informant..

4. Learned counsel for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case merely on the ground that the petitioner is father-in-law of the deceased. Further submits that from a bare



perusal of the FIR it appears that there is no specific allegation of any assault, overt-act or demand of dowry attributed against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts, petitioner has clean antecedent and there is no specific allegation of any assault, overt-act or demand of dowry attributed against the petitioner, let the petitioner, above named, in the event of his arrest or surrender before the court below within a period of thirty days from the date of receipt of the order, be released on bail on furnishing bail bond of Rs.10,000 (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub Divisional Judicial Magistrate, Rosera, Samastipur in connection with Bibhutipur P.S.Case No.69 of 2024, subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with other following conditions:-

(I) Petitioner shall co-operate 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 on his/her absence on two consecutive dates without sufficient



reason, his/her bail bond shall be cancelled by the Court below.

(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 court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his/her criminal antecedent, the court below 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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