

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 80683 of 2023

Arising Out of PS. Case No.-368 Year-2021 Thana- MAKHDUMPUR District- Jehanabad

RAHUL KUMAR S/O AWADHESH KUMAR R/O VILLAGE- BELA
RAMPUR, P.S- MAKHDUMPUR, DISTT.- JEHANABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Nitya Nand Neeraj, Advocate

For the Opposite Party/s : Mr Jagdhar Prasad, APP

CORAM: HONOURABLE MR JUSTICE RAJIV ROY

ORAL ORDER

4 26-04-2024 Heard the parties.

2 The petitioner seeks anticipatory bail in connection with Makhdumpur PS Case No 368 of 2021 for the offence punishable under Sections 302, 201, 498A/34 of the Indian Penal Code and Sections 3/4 of the Dowry Prohibition Act lodged on 05.10.2021 by the informant, Sheela Devi.

3 As per the prosecution story, Awadhesh Kumar (petitioner in Cr Misc No 81337 of 2023) was married to the victim lady but was always tortured for dowry and once she was kicked out after washing her head and forcing her to wear white saree. A panhayati took place but, thereafter also, demand was made and finally, the informant came to know that the lady has drowned in the river. Accordingly, the FIR.



4 Learned counsel for the petitioner submits that the petitioner is the step son of the deceased, a student, only because he belongs to the extended family, he has been implicated. He has nothing to do with the case in hand.

5 Learned APP opposes the prayer stating that the petitioner has delayed in coming to the Court.

6 Though there is delay on the part of the petitioner, in fact the petitioner is 21 years of age, a student, is the step son of the deceased, no criminal antecedent, this Court is inclined to grant privilege of anticipatory bail to the petitioner. Accordingly, ordered.

7 Let the petitioner above named be released on bail, on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III, Jehanabad in connection with Makhdumpur Town PS Case No 368 of 2021 as also the following conditions:

(i) One of the bailors should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) The petitioner shall appear on each and every date before the trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of their bail bond by the trial



Court itself.

(iii) The petitioner shall appear before the concerned Police Station every fortnight for next six months to mark his attendance.

(iii) The petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidence, 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 the bail bonds.

8 With the aforesaid observations, the bail application
is allowed.

(Rajiv Roy, J)

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