

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78244 of 2023

Arising Out of PS. Case No.-419 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

VIJAY SHARMA S/O LATE PYARE LAL SHARMA R/O VILLAGE AND
POST- BIHIYA, P.S- BIHIYA, DISTT.- BHOJPURE-802152.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Piyush Kumar Pandey, Advocate
For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 12-01-2024 Heard the parties.

2. The petitioner is apprehending his arrest in connection with Udwanthnagar P.S. Case No. 419 of 2021 for the offence under sections 304(B), 201 and 34 of the I.P.C. lodged on 27.09.2021 by the informant, Kanti Devi.

3. As per the prosecution story, the informant's daughter was married to the nephew of the petitioner and the allegation against is that the family members used to torture her for want of Rs. 2,00,000/- as also for the motorcycle. Further allegation is that upon information in the newspaper that the dead body of an unknown lady has been found near Shri Rampur railway crossing, they rushed to the hospital and identified her. Accordingly, the FIR.

4. Learned counsel for the petitioner submits that he is



uncle of the husband of the deceased and has no role to play in the matter nor any demand of dowry made by him, the parents of the husband have already been granted anticipatory bail vide order dated 21.06.2022 in Cr. Misc. No. 34513 of 2022, this Court is inclined to extend him the privilege of anticipatory bail.

5. Learned APP opposes the prayer.

6. Let the petitioner be released on bail in the event of arrest or surrender within a period of four weeks from the receipt of this order, on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned CJM, Bhojpur, Arra in connection with Udwanthnagar P.S. Case No. 419 of 2021 subject to the conditions as laid down under Section 438(2) of the Cr.P.C.

(i) one of the bailor 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 his 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;

(iv) the petitioner shall in no 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;

(v) 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.

7. With the aforesaid observations, the anticipatory bail application is allowed.

(Rajiv Roy, J)

Adnan/-

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