

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.85726 of 2023

Arising Out of PS. Case No.-77 Year-2015 Thana- MAGADH UNIVERSITY District- Gaya

Ram Chandra Das Son of Late Bhagan Das R/o vill - Saphi, P.S. - Magadh
University, Distt. - Gaya

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar, Adv.

For the Opposite Party/s : Mr.Mohammed Arif, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 16-01-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Magadh University P.S. Case No. 77 of 2015 registered for the
offences punishable under Sections 304(B)/34 of the Indian
Penal Code.

3. As per prosecution case, petitioner and others
are said to have concertedly committed the murder of
informant's daughter.

4. Learned counsel for the petitioner submits that
petitioner being father-in-law of the deceased, has falsely been
implicated in the present case. He has no say in the family
affairs of the deceased. He further submits that during the course
of investigation, it has come into fore that the husband of the



deceased was usually residing outside of the State for his livelihood and the deceased also wanted to live with her husband and due to said reason dispute arose between them and victim committed suicide. After perusal of F.I.R., it is clear that there is no allegation of demand of dowry against the petitioner and hence, no case is made out against him under Section 304(B) of I.P.C. Petitioner is in custody since 16.08.2023 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Petitioner is quite innocent and has committed no offence as alleged against him in F.I.R. Co-accused Ankush Das who is the husband of the deceased, has already been granted bail by the Co-ordinate Bench of this Court vide Cr. Misc. No. 20748 of 2017 and on the principle of parity, the petitioner also deserves bail.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, co-accused has already been granted bail, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced



on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate, IX, Gaya in connection with Magadh University P.S. Case No. 77 of 2015, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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