

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86621 of 2023

Arising Out of PS. Case No.-719 Year-2023 Thana- MANER District- Patna

Rajkumar @ Raj Kumar S/O Ram Swarup Rai R/O Village- Haldi Chhapra,
Nayaka Tola, Ps. Maner, Dist. Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Anil Kumar, Advocate
	:	Mr.Akash Kumar Mishra, Advocate
For the Opposite Party/s	:	Mr.Md. Ataur Rahman, APP
For the Informant	:	Mr. Nalin Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-04-2024 Heard Mr.Anil Kumar, learned counsel for the

petitioner, Mr. Nalin Kumar, learned counsel for the

informant and Mr.Md. Ataur Rahman, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in connection with Maner P.S. Case No.719 of 2023, FIR dated 05.10.2023, registered for the offences punishable under Sections 304(B)/34 of the Indian Penal Code and Section 3/4 of the D.P.Act.

3. Allegation against the petitioner is that he alongwith other co-accused persons have in furtherance of their common intention committed the dowry death of the



daughter of the informant.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that it has come during investigation in para-8 and 9 of the case diary that due to accident the deceased burnt and in the present occurrence there is hand of the petitioner and in fact the petitioner has also received the injury to save his wife. Learned counsel for the petitioner further submits that it has been found in the challan of the inquest report of Netaji Subhash Chandra Bose Hospital that the Doctor has opined that “when the deceased has started the gas stove and she got touched with the fire and died” and from a bare perusal of the allegation against the petitioner that he poured the kerosene oil on the deceased.

5. Learned counsel for the informant and learned APP for the State, on the other hand, vehemently opposed the prayer for anticipatory bail of the petitioner.

6. Considering the aforesaid facts, 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 Judicial Magistrate, 1st Class, Danapur, Patna in connection with Maner P.S. Case No.719 of 2023, 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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