

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2082 of 2024

Arising Out of PS. Case No.-166 Year-2022 Thana- RAJEPUR District- East Champaran

Mantu Kumar @ Mantu Kumar Das Son of Umakant Das Resident of
Village- Mahamadpur Sagar, P.S.- Rajepur, District- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Abhishek Kumar, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-04-2024 Heard Mr.Abhishek Kumar, learned counsel for the

petitioner and Mr.Uday Chand Prasad, learned Additional

Public Prosecutor for the State.

2. The petitioner is apprehending his arrest in
connection with Rajepur P.S. Case No.166 of 2022, FIR dated
09.09.2022 registered for the offences punishable under
Section 304-B, 201/34 of IPC.

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. He has falsely been



implicated in the present case merely on the ground that the petitioner is husband of the deceased. Further submits that from a bare perusal of the FIR it appears that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and the cremation of the deceased was conducted in presence of the family members of the deceased and the same set of allegation the father of the petitioner, who happens to be the father-in-law of the deceased, has faced trial in S.Tr.No.1386 of 2022 and vide judgment dated 19.05.2023 the father of the petitioner is acquitted in the charges and the learned trial court suggests that the prosecution has failed to prove its case against the father of the petitioner.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for anticipatory bail of the petitioner and submits that the petitioner is husband of the deceased and it may be possible that the witnesses, who became hostile in S.Tr.No.1386 of 2022, may support the case of the prosecution.

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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Rajepur P.S. Case No.166 of 2022, 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 bonds shall be cancelled by the Court below.

(II) If the petitioner tamper 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 antecedents, 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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