

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53387 of 2024

Arising Out of PS. Case No.-108 Year-2021 Thana- GORIAKOTHI District- Siwan

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Santosh Kumar Prasad @ Santosh Prasad @ Santosh Kr. Prasad son of
Chandeshwar Prasad Village- Mahammadpur Sheikhpura Ps- Goraiyakothi
Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Kritika Upadhyaya, Adv.

For the Opposite Party/s : Mr. Umesh Lal Verma, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 17-01-2025 Heard Ms. Kritika Upadhyaya, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Sessions Trial No. 218/2024 arising out of Goraiyakothi P.S. Case No. 108 of 2021 for the offences punishable under Sections 498(A), 304(B)/34 of the IPC lodged on 15.06.2021 by the informant, Ravi Kumar.

3. As per the prosecution story, the allegation is that though the marriage took place in the year 2019, she was tortured for dowry and ultimately, the FIR was lodged by the brother of the deceased alleging that the family members connived and killed the lady which led to the FIR.

4. Learned counsel for the petitioner submits that a bare perusal of the FIR would show that she committed suicide



and a *Sari* was already there connected to the ceiling fan, they were happily married couple, out of smaller issues, she committed suicide, he has already suffered as his better half is no more, now the FIR in which he is in custody since 13.12.2022 (para-13 of the petition).

5. Learned APP opposes the prayer submitting that he being the husband responsibility lies upon him.

6. A report was called for in this case and per the report dated 14.08.2024, one out of eight witnesses has been examined and the rest seven witnesses are yet to be examined.

7. Considering the submissions put forward by the parties as also the period of custody inasmuch as the petitioner has remained in custody for more than two years, FIR is there, an undertaking has been given that he will be appearing in the trial diligently, this Court is inclined to extend him the privilege of bail.

8. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Sessions Judge, Siwan in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family



member/relative of the petitioner who shall provide official document to show his 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 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;

(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 his bail bonds.

(Rajiv Roy, J)

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