

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55988 of 2024

Arising Out of PS. Case No.-2 Year-2022 Thana- BAKHTIYARPUR District- Patna

Amit Kumar Son of Ravi Chandra Prasad Resident of Village - Ghoshwari,
P.S.- Bakhtiyarpur, District – Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj, Adv.

For the Opposite Party/s : Mrs.Pushpa Sinha.1, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 20-01-2025 Heard Mr. Hansraj, learned counsel for the

petitioner, learned counsel for the informant and Mrs. Pushpa

Sinha No.1, learned APP.

2. The petitioner is in judicial custody in connection
with Sessions Trial No. 711/2022 & 1534/2022 arising out of
Bakhtiyarpur P.S. Case No. 02 of 2022 for the offences
punishable under section 304(B) and 34 of the IPC lodged on
04.01.2022 by the informant, Uday Shankar Sao.

3. As per the prosecution story, the informant alleged
that his daughter was married to this petitioner but was tortured
for dowry and on the fateful day, was informed that she is in
hospital, went to see her and found her dead. He, as such,
alleged that due to non fulfillment of dowry, she has been killed.
Accordingly, the FIR/arrest.

4. Learned counsel for the petitioner submits that the
marriage took place in the year 2016 and there was no such
complaint earlier and only after the death which was an
unfortunate incident and he too lost his wife, got implicated.



Actually, she was thrashing the wheat and the pesticide that was present went through her nose/mouth and resulted into death. He has already suffered by being in custody since 25.03.2022 (para-13 of the petition). It is his further submission that though the trial is at its fag end, considering the depositions that the witnesses have made which points to the lady having committed suicide, he undertakes to diligently appear in the trial, he deserve relief.

5. Learned counsel for the informant as well as learned APP oppose the prayer submitting that he being the husband cannot exonerate himself for the charges made against him, they however, concede that most of the witnesses have pointed to the same theory of the lady having committed suicide.

6. Though the trial is at the fag end, the fact remains that the petitioner has remained in custody for almost three years, the narrative that has come in the deposition of the witnesses points to a different story, an undertaking has been given by the petitioner that he will be diligently appearing in the trial, in that background, this Court is inclined to extend him the privilege of bail.

7. 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 Additional District & Sessions Judge-III, Barh, Patna, in connection with aforesaid P.S. Case subject to the following conditions:

(i) one of the bailors should be the family member 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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