

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78623 of 2024

Arising Out of PS. Case No.-237 Year-2005 Thana- SURYAGARHA District- Lakhisarai

Amit Kumar @ Amit Kumar Singh S/O Ramnaresh Singh Resident of
Village- Loshghani, P.S- Piribazar Suryagadh, District- Lakhisarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Abhay Shanker Singh, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 11-04-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. Earlier, vide order dated 12.02.2007 passed in Cr.
Misc. No. 2878 of 2007, the prayer for grant of anticipatory bail
to the petitioner was rejected.

3. The petitioner seeks bail in connection with
Suryagadha Piribazar (Surajgaraha) P.S. Case No. 237 of 2005
instituted for the offences under Sections 304B/34 of the Indian
Penal Code.

4. Prosecution case, in short, is that the petitioner
alongwith the family members tortured and killed the deceased
for the non-fulfillment of demand of dowry.

5. Learned counsel for the petitioner submitted that the
petitioner has falsely been implicated in the present case.
Petitioner is the *devar* of the deceased. Learned counsel for the



petitioner submits that general and omnibus allegation has been made against the petitioner. No specific overt act is alleged against the petitioner. Learned counsel further submitted that police after investigation submitted final form against the petitioner and found the case against the petitioner as untrue. Learned counsel further submitted that learned court below differing with the same, took cognizance in the matter for the offence punishable under Sections 304B/34 of the IPC. Learned counsel further submitted that as per FSL report, no poisonous substance was found in the viscera. Learned counsel further submitted that petitioner is separate in mess and business and has got no concern in the family affairs of the deceased and her husband. It has been submitted on behalf of the petitioner that the petitioner is in custody since 12.08.2024 and has no criminal antecedent.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner.

7. As per the report dated 27.02.2025 sent by the learned court below, charge has been framed against the petitioner under Sections 304B/34, 302/34 of the IPC on 22.11.2024. It is further reported that out of twenty-one witnesses, one witness has been examined.



8. Considering the aforesaid facts and circumstances of the case as also the period of custody undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

9. Let the petitioner be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with Suryagadha Piribazar (Surajgaraha) P.S. Case No. 237 of 2005, subject to the following conditions:

(I) One of the bailors shall be own/close member of the family of the petitioner.

(II) The petitioner shall appear on each and every date fixed at the trial. In case of default in such appearance on two consecutive dates, the Trial Court will have liberty to cancel the bail bonds of the petitioner.

(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.

(Rudra Prakash Mishra, J)

Alok Verma/-

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