

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78294 of 2024

Arising Out of PS. Case No.-46 Year-2024 Thana- KATHAIYA District- Muzaffarpur

ROCKEY KUMAR @ ROCY KUMAR SINGH S/o- Shailendra Singh @
Muntun Singh R/o Village- Jamalpur Ps- Kathaiya Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 10-01-2025 Heard Mr.Arvind Kumar, learned counsel for the
petitioner and the Mr.Ahmad Ali, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
03.08.2024 in connection with Kathaiya P.S. Case No. 46 of
2024, F.I.R. dated 04.03.2024 registered for the offence
punishable under Section 304(B), 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 sister of
the informant.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent. He has falsely
been implicated in the present case merely on the ground that
petitioner is husband of the deceased. Further submits that from
a bare perusal of the FIR it appears that there is no specific



allegation against the petitioner rather there is general and omnibus allegation against all the accused persons including the petitioner. In fact the victim has committed suicide herself and it has come during investigation in paragraph Nos.34,35,80 and 81 of the case diary that the door was closed from inside and after the police has come, the door has been broken by the police personnel in presence of a number of independent witnesses and the co-accused person, namely, Madhumala Devi @ Madhu Mala Devi, who happens to be the mother-in-law of the deceased, has been granted bail by this Court vide order dated 21.09.2024 passed in Cr. Misc. No.46873 of 2024.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is husband of the deceased.

6. Considering the aforesaid facts, petitioner has clean antecedent, co-accused person, namely, Madhumala Devi @ Madhu Mala Devi has been granted bail by this Court and it has come during investigation that the door was closed which suggests that the victim has committed suicide herself, let the petitioner, above named, 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 S.D.J.M., West



Muzaffarpur in connection with Kathaiya P.S. Case No. 46 of 2024, with the 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 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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