

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1303 of 2024

Arising Out of PS. Case No.-107 Year-2023 Thana- NAANPUR District- Sitamarhi

Kamlesh Kumar Son Of Amiri Ray Resident Of Village - Sater Bakori Tole,
P.S. - Nanpur, District - Sitamarhi

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

8 20-01-2025 Heard Mr.Virendra Kumar, earned counsel for the petitioner and Mr.Bhanu Pratap Singh, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 30.09.2023 in connection with Nanpur P.S. Case No. 107 of 2023, F.I.R. dated 10.03.2023 registered for the offence punishable under Sections 304(B),120B,201 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 appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. 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 as per FIR, allegation against the petitioner is that he killed the daughter of the informant for non-fulfillment of demand of dowry. Learned counsel for the petitioner submits that in fact the petitioner has never performed the marriage with the victim.

5. Pursuant to the direction of this Court, report dated 01.08.2024 of the Superintendent of Police, Sitamarhi and report dated 29.07.2024 of the Sub Divisional Police Officer, Pupari, Sitamarhi which suggest that the dead body of the victim has not been recovered and there is no proof of marriage which suggests that the petitioner has performed the marriage with the daughter of the informant and the informant has not filed any application before the competent authority in the year 2021.

6. Learned APP for the State has opposed the prayer for bail of the petitioner.

7. Considering the aforesaid fact as well as the report of the Superintendent of Police, Sitamarhi, 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., Pupri, Sitamarhi in



connection with Nanpur P.S. Case No. 107 of 2023,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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