

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.5706 of 2017

Arising Out of PS.Case No. -192 Year- 2013 Thana -RAHUI District- NALANDA
(BIHARSHARIFF)

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Sanjay Kumar Singh @ Narayan Singh Son of Sri Arun Kumar Singh
Resident of Village-Hawanpura, P.S. Rahui District Nalanda.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Sheikh Arkan Ahmad

For the Opposite Party/s : Mr. Sri Bharat Lal

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

5 26-04-2017 Heard learned counsel for the petitioner,

learned counsel for the opposite party no. 2 and learned

A.P.P. for the State.

Petitioner is languishing in judicial custody
since 24.09.2016, in connection with Rahui P.S. Case No.
192/2013, registered for the offence punishable under
Sections 304(B), 201, 120B of the Indian Penal Code.

The prosecution case, as lodged by the father
of the deceased, Guria Kumari, is that the petitioner along
with his family members just after three months of marriage
has killed his daughter for dowry. It has been submitted by
the learned counsel for the petitioner that petitioner is the
husband of the deceased and was posted as pioneer in S.S.B.
It has further been submitted that the petitioner was at his



place of posting on the alleged date of occurrence for which this Court had called for the report from the officiating Commander of S.S.B. who has given the report vide letter no. 88 dated 30th March, 2017, the date on which petitioner had taken leave.

From perusal of the said letter, it is evident that the petitioner had taken leave on various dates between January, February, March, May and June only.

Learned counsel for the petitioner submits that petitioner was not part of the alleged conspiracy and has not committed any offence as on the date of occurrence he was on duty and has also been stated in the F.I.R.

A report was also called from the Additional District and Sessions Judge, Nalanda at Biharsharif, which has also been received vide letter no. 82/2017 dated 21st April, 2017, stating therein that in the case of other accused Sessions Trial No. 202/2014 had commenced, which resulted in conviction order dated 23.04.2015, and the matter is pending before this Court in appeal in relation to other accused persons.

It has further been submitted by learned counsel for the petitioner that since he was not present on



the date of occurrence no allegation as such could be levelled against him.

However, learned counsel appearing on behalf of the informant submits that petitioner, who is husband of the deceased, was the mastermind and for this he refers various paragraphs of the case diary and that the mobile CDR has been taken by the police for further examination.

Learned counsel for the State, taking into account various paragraphs of the case diary, opposes the prayer for bail of the petitioner.

Considering the facts and circumstances and allegation upon the petitioner in the First Information Report which itself shows that petitioner was not present on the date of occurrence. The report of the Commandant, S.S.B. dated 30th March, 2017, as referred to above, also shows that petitioner was not on leave on the alleged date.

Under such circumstances, let the petitioner, above named, be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand only) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate, 1st Class, Nalanda at Biharsharif, in connection with Rahui P.S. Case No. 192 of 2013, subject to



condition that petitioner will appear before the court during trial, as and when required by the learned court below, failing which the court below will be at liberty to cancel the bail bonds of the petitioner.

(Nilu Agrawal, J.)

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