

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.21016 of 2018

Arising Out of PS.Case No. -37 Year- 2012 Thana -AMAU District- PURNIA

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Sanjay Bishwas, Son of Bhageshwar Bishwas, Resident of Village-Pothiya,
P.S. Amour, District-Purnea.

.... Petitioner

Versus

The State of Bihar

.... Opposite Party

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Appearance :

For the Petitioner : Mr. Md. Ziaul Quamar, Advocate.

For the Opposite Party : Mr. Bisheshwar Ram, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH

ORAL ORDER

2 10-04-2018 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the opposite party no.
2.

The petitioner is languishing in custody since
14.12.2017 in a case for the offence registered under Sections 323,
494, 498(A), 379, 120(B) of the IPC and ¾ of the D.P. Act.

The prosecution story, in brief, is that the accused
persons including the petitioner tortured the victim due to non-
fulfilment of demand of dowry.

It has been submitted by learned counsel for the
petitioner that the petitioner has got no criminal antecedent.
Charge sheet has been submitted in the present case. There is no
allegation of tampering with the witnesses alleged against the
petitioner. The petitioner has falsely been implicated in the present
case due to petty family dispute. It is a case of misuse of privilege



of bail. It is further submitted that the petitioner was granted bail by the then a Co-ordinate Bench of this Court vide Cr. Misc. No. 49370 of 2012 dated 14.03.2013 with a direction to appear on each and every date fixed by the court below. The petitioner had regularly appeared in the court below. In the meantime, he had gone outside the State of Bihar for his livelihood where due to illness he was admitted in Hospital. Hence, he could not appear on the date fixed by the court below. He has remained in custody for about four months. The case is triable by the Magistrate. The petitioner has further relied upon the judgment of this Court in the case of Md. Naimul Haque Ansari @ Naimul Haque Ansari & Ors. Vs. The State of Bihar, reported in 2006(3) PLJR 182.

On behalf of the learned counsels for the State and opposite party no. 2, it has been submitted that the petitioner is named in the F.I.R/ complaint case.

Considering the aforesaid facts and circumstances, let the petitioner above named, 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 the learned S.D.J.M. Purnea, in connection with Amour P.S. Case No. 37 of 2012 (G.R. No. 681 of 2012).

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(Sudhir Singh, J)