

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7665 of 2019**

Arising Out of PS. Case No.-244 Year-21017 Thana- DALSINGHSARAI District-
Samastipur

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SANJEET KUMAR @ SONJEET KUMAR @ SANJEET KUMAR RAI
Nageshwar Rai Resident of Village - Alampur

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ansul
For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

11 01-06-2020 This matter has been taken up through virtual Court proceeding.

Heard learned counsels for the parties.

Through the present application, the petitioner who is languishing in custody since 4.5.2018, has renewed his prayer for bail in a case registered for the offences punishable under Sections 304B/201/34 of the I.P.C. Section 120B of the IPC was added later on.

The prosecution case, as per the Fardbeyan of Yadunandan Rai recorded by SI Saral Kumar, Dalsingh Sarai Police Station, is to the effect that the informant's daughter namely, Indu Devi was married with the petitioner Sanjeet Kumar alias Sonjeet Kumar alias Sanjeet Kumar Rai on 28.5.2010, but after three



years when the petitioner got employment, torture was inflicted upon the victim and a further dowry demand of Rupees Ten Lacs was made by the accused persons. Subsequently, the daughter of the informant who was carrying pregnancy of three months, was killed and it was given a shape of accidental death.

It is submitted by learned counsel for the petitioner that as per the FIR, the marriage of the informant's daughter was performed on 28.5.2010 when she died on 7.8.2017. Hence, as per own admission of the informant, no case under Section 304B of the IPC is made out, as a result, charges have been framed and trial is going on for the offences under Section 302 of the IPC. It is further submitted that even assuming the accusation levelled in the FIR, the informant is not the eye witness to the occurrence. It is further submitted that petitioner is employed in armed forces and report dated 17.5.2019 issued by the Capt/Maj. Adjutant, 24, Rashtriya Rifles Bn. has been brought on record which reflects that the petitioner was on duty on the date of occurrence and considering all these facts, a Co-ordinate Bench of this Court (now retired) granted bail to the petitioner provisionally vide order dated 26.7.2019 and called for a report with regard to the stage of the trial.

Mr. Ram Vilas Roy Raman, learned APP submits that



earlier prayer of the petitioner for bail was rejected but subsequently he was granted bail provisionally.

Considering the nature of accusation and the fact that the presence of the petitioner at the place of occurrence on the alleged date of occurrence gets clouded in view of the report dated 17.5.2019, the petitioner having been granted provisional bail and there is no likelihood of the trial being concluded in near future due to present pandemic Covid 19, the provisional bail granted to the petitioner vide order dated 26.7.2019 in connection with Dalsinghsarai P.S. Case No. 244 of 2017 pending in the Court of learned Additional District and Sessions Judge, Dalsinghsarai, Samastipur, is hereby confirmed.

The learned trial court will be at liberty to cancel the bail bonds of the petitioner in case he defaults on three consecutive occasions.

(Dinesh Kumar Singh, J)

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