

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79723 of 2019

Arising Out of PS. Case No.-150 Year-2017 Thana- SITAMARHI District- Sitamarhi

MD. CHAND, (Male), aged about 43 years, Son of Late Md. Islam, Resident of Village- Nonia Tola, Ward No. 7, P.S.- Sitamarhi, District- Sitamarhi.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pushpendra Kumar Singh, Advocate.
For the Opposite Party : Mr.Kumar Ranjit Ranjan, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

2 27-05-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of virtual Court proceeding.

The matter has been listed under the heading 'For Orders' under the orders of Hon'ble the Chief Justice.

Heard learned counsel for the petitioner and learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offences under Section 304(B)/34 of the I.P.C.

The prosecution case, in short, is that the accused persons including the petitioner killed the daughter of the informant due to non-fulfilment of demand of dowry.

Earlier bail application of the petitioner was rejected vide Cr. Misc. No. 33480 of 2018 under order dated 16.08.2018 by the then Co-ordinate Bench of this Court with a direction to



the learned court below to expedite the trial and conclude the same within a period of one year, annexed as Annexure-1 to the present application.

This is a second attempt on behalf of the petitioner.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 10.03.2017 and has got no criminal antecedent. Charge sheet has been submitted in this case for an offence under Section 306 of the I.P.C. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. It is not a case of dowry death. The petitioner has remained in custody for more than three years. The trial of the case is still pending before the trial court.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the facts and circumstances of the case and also the lockdown, the petitioner, above named, is directed to be released on bail on his personal bond to the satisfaction of learned Sessions Judge, Sitamarhi in connection with Sessions Trial No. 38 of 2018, arising out of Sitamarhi P.S. Case No. 150 of 2017.

Once the normalcy is restored, the petitioner shall



furnish bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

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