

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19622 of 2021

Arising Out of PS. Case No.-3 Year-2017 Thana- C.B.I CASE District- Patna

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Firoz Ahmad, son of Md. Saiyum, resident of Village Ward No. 11, Langra Chowk, Nagar Panchayat Jhanjharpur, P.S. Jhanjharpur, District - Madhubani, at present residing at A/P Block-B, Road No. -1, Jayanti 3E Park, Vastubihar, Phase-II, P.S. Gobindpur, District - Dhanbad.

... .. Petitioner/s

Versus

1. The State of Bihar
2. Central Bureau of Investigation, Patna. Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N. A. Shamsi, Adv
For the Opposite Party/s : Mr. Bipin Kumar Sinha, Adv

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CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH
ORAL ORDER

4 25-08-2021 This matter has been taken up for hearing

online because of COVID-19 pandemic restrictions.

Heard learned counsel for the parties.

This application for grant of regular bail arises out of Madhubani (Town) P.S. Case No. 431 of 2014 (S.Tr. No. 332 of 2020, in connection with R.C. Case No. 3(S) of 2017 registered for the offence punishable under Sections 498(A), 363, 368/34, 120B, 304B, 364, 344, 201 of the Indian Penal Code and Section 3/ 4 of the Dowry Prohibition Act. The petitioner is the husband



of the deceased.

The petitioner's prayer for regular bail was earlier rejected by this Court by an order dated 07.07.2020 passed in Cr. Misc. No. 70227 of 2019 with an observation that if there was no substantial progress at the trial, the petitioner shall be at liberty to renew his prayer for bail. The petitioner is in custody since 19.04.2019.

A report has been received from the Court below from which it appears that even charges have not been framed so far.

Mr. N.A. Shamsi, learned counsel appearing on behalf of the petitioner has submitted that till date there is no material to suggest that petitioner played any role in the death of the deceased. He has submitted that he is being prosecuted on the sole allegation of the demand of dowry and death of deceased soon thereafter. He contends that no tangible purpose will be served if the petitioner is compelled to continue in jail any further as



he has already remained in custody for more than two years and four months.

Mr. Bipin Kumar Sinha, learned counsel for the C.B.I has submitted that though charge-sheet has been submitted against the petitioner, C.B.I is still conducting further investigation into the matter and therefore, considering the conduct of the petitioner, he does not deserve privilege of regular bail.

Considering the entire facts and circumstances of the case and after having carefully perused the previous order dated 07.07.2020 passed in Cr. Misc. No. 70227 of 2019 whereby petitioner's prayer for regular bail was rejected, in my view, a case is made out for grant of regular bail because there is no progress at the trial and the petitioner has remained in custody for a considerable period of time.

This application is accordingly allowed.

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 the learned Additional Sessions Judge- XII, Patna in R.C. Case No. 3 (S) of 2017, arising out of Madhubani (Town) P.S. Case No. 431 of 2014 (S. Tr. No. 332 of 2020).

(Chakradhari Sharan Singh, J)

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