

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10459 of 2021**

Arising Out of PS. Case No.-104 Year-2019 Thana- DAUDPUR District- Saran

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SANOJ SINGH S/o Puri Singh @ Jitendra Singh Resident of Village- Bangra,
P.S.- Daudpur, Distt- Saran

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Bijay Bhushan Prasad,Advocate

For the Opposite Party/s : Ms.Nirmala Kumari,APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 13-08-2021 Heard learned counsel for the petitioner and Ms.

Nirmala Kumari, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with S.T. No. 657 of 2019 arising out of Daudpur P.S. Case No. 104 of 2019 registered for the offences punishable under Sections 302/201/34 of the Indian Penal Code.. He is in custody since 06.08.2019.

As per the prosecution story the petitioner had married to a muslim lady in the year 2017 and out of their wedlock they had two children. They were living at Jodhpur in the State of Rajasthan. It is alleged that on 17.05.2019 this petitioner along with his wife Shahjahan and their children were about to go to their place of living and at this stage the sister of the informant namely, Salma had also gone to see off Shahjahan

where she had found Sanoj Singh, brother-in-law of one Sunil Singh, namely, Binod Singh, elder brother-in-law and bhabhi of the petitioner sitting in the vehicle. It is alleged that after some time one Binod Singh informed the informant on her mobile that Shahjahan fled away somewhere. It is then alleged that on 19.05.2019 this petitioner along with two children came to the house of the informant by tempo and left the children there, he told the informant that Shahjahan had fled away and is going in search of her.

Learned counsel submits that the informant expressed a suspicion that her daughter has been killed by the accused person.

Learned counsel submits that save and except a mere suspicion there is no material against the petitioner. There is no allegation that after solemnization of marriage between the petitioner and the daughter of the informant there is any trouble between the two. In fact the daughter of the informant during her visit to her maika went traceless from the house of the informant.

It is further submitted that the whole prosecution case is based on a concocted story of one Salma who is said to be the sister of the informant but in course of investigation Salma has

not been examined and she is not a witness in the chargesheet.

Learned counsel submits that the petitioner is in custody for more than two years but till date no prosecution witness has been examined and as such the trial is not likely to be concluded in near future.

Learned APP for the State has though opposed the prayer for bail of the petitioner but considering the facts and circumstances of the case, in the nature of the materials noticed hereinabove by this Court, there being no progress in trial and the petitioner has remained in custody for over two years, this Court directs release of the petitioner above named on bail on furnishing of bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XIV, Saran at Chapra in connection with S.T. No. 657 of 2019 arising out of Daudpur P.S. Case No. 104 of 2019, subject to the conditions as laid down under Section 437(3) Cr.P.C. as under:

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which is suspected, and

(c) that such persons shall not directly or indirectly make

and inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.