

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3240 of 2022

Arising Out of PS. Case No.-33 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Sanjeev Kumar Singh @ Sanjiv Kumar Son Of Mahesh Prasad Singh
Resident Of Village - Barbatta, P.S.- Musrigharari, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Pramod Kumar Singh
	:	Mr. Ajay Kumar Thakur
	:	Mr. Pravin Kumar
For the Opposite Party/s :	:	Mr. Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

3 28-11-2022 Heard Ld. counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in connection with Musrigharari P.S. Case No. 33 of 2021, registered for the offences punishable under Sections 341, 342, 506, 498A, 304B and 34 of the Indian Penal Code and Section 3 / 4 D.P. Act.

The prosecution story as emerges from the FIR is that the petitioner along with other co-accused persons had killed the deceased on account of non-fulfillment of demand of dowry.

Ld. counsel for the petitioner submits that the



petitioner is innocent and has falsely been implicated in this case. He further submits that though FIR has been lodged under Section 304 B of the Indian Penal Code, however, charge-sheet has been submitted under Section 306 of the Indian Penal Code because marriage was solemnized much before seven years of marriage. He further submits that husband is not involved in the offence because he himself has informed to the parents of the victim regarding the death of the victim. He also submits that investigation in this case is complete and charge-sheet has already been submitted. However, charge has not been framed.

The petitioner has been languishing in jail since 06.05.2021.

It is also stated in paragraph no. 2 of the petition that the petitioner has never moved before this Court for grant of anticipatory bail or regular bail.

It has further been stated in paragraph no. 3 that the petitioner has no criminal antecedent.

However, the learned APP for the State



vehemently opposes the prayer of the petitioner for bail submitting that the alleged offence is very serious in nature.

Considering the aforesaid facts and circumstances, the petitioner, above-named, is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000 /- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Ld. Judicial Magistrate, 1st Class, Samastipur, District-Samstipur in connection with Musrigharari P.S. Case No. 33 of 2021, **after framing of charge**, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not hamper on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any 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.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedent other than the disclosed one, the learned court below shall cancel the bail bond of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedent despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, the learned court below shall cancel the bail bond of the petitioner.

The application stands allowed accordingly.

Learned counsel for the petitioner is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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