

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18438 of 2022

Arising Out of PS. Case No.-81 Year-2013 Thana- SARAIYA District- Muzaffarpur

Shambhu Kumar @ Shambhu Paswan Son of Jagdish Paswan Resident of
Village - Pokhraiya, P.S. - Saraiya, District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Mohan, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 19-09-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 498A, 323, 304B, 506, 201
of the Indian Penal Code.

According to prosecution case, the petitioner and other
accused persons are said to be tormented the sister of the
informant on account of non -fulfillment of demand of dowry.
The informant alleged that on 19.03.2013 got an information
from some unknown person that his sister has been burnt by the
accused persons. Then he rushed to her sasural and saw that his
sister was badly burnt. Then he took away his sister to Apolo



Burn Hospital, Patna for better treatment of his sister, but during course of treatment his sister died on the same day.

Earlier the prayer for bail of the petitioner was rejected vide order dated 04.12.2019 passed in Cr. Misc. No. 55823 of 2019 and vide order dated 18.08.2021 passed in Cr. Misc. No. 36089 of 2020 respectively.

Vide order dated 29.07.2022 a report was called for with regard to the present stage of trial. Report reveals that altogether twelve witnesses in the present case and till 24.02.2022 only four witnesses have been examined.

Learned counsel for the petitioner submits that in view of the report of the learned trial court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody more than four years.

Considering the aforesaid facts and circumstances as well as period of custody, 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 Court below where the case is pending in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 81 of 2013, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and



shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

Mdrashid/
Vanisha

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