

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29622 of 2021

Arising Out of PS. Case No.-259 Year-2016 Thana- BELAGANJ District- Gaya

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DEEPU DAS S/O HARI DAS R/o village- Bheriya, P.S.- Belaganj, District-
Gaya (Bihar)

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ashok Kumar

For the Opposite Party/s : Mrs.Renu Kumari

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 11-02-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Belaganj P.S.

Case No. 259/ 2016 registered for the offences punishable

under Sections 498(A), 304(B)/34 of the IPC.

The prosecution case, in short, is that marriage of

informant's sister was solemnized five years ago with petitioner,

who along with other co-accused persons committed murder of



her sister due to non-fulfillment of demand of dowry.

Learned counsel for the petitioner submits that petitioner has clean antecedent and has committed no offence and he has falsely been implicated in the present case. He further submits that petitioner is husband of the deceased and the police after investigation submitted charge sheet against the petitioner and the learned trial court has also framed charge vide order dated 19.06.2017. He further submits that petitioner is in custody since 14.09.2016 i.e. for more than five years.

The learned Additional Public Prosecutor opposed the prayer of bail.

Vide order dated 09.12.2021 a report was called for from the court below with regard to stage of the trial.

The report of trial court dated 18.12.2021 reveals that charge has already been framed on 19.06.2017 and till date prosecution has not examined any witness. The report also reveals that vide order dated 14.12.2021 NBW was issued against unofficial prosecution witnesses but in spite of that no one appeared.

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 Additional Sessions Judge-1st, Gaya in connection with Belaganj P.S. Case No. 259/ 2016 corresponding to Sessions Trial No. 229/ 2017, 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)

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