

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21593 of 2022

Arising Out of PS. Case No.-1894 Year-2015 Thana- SARAN COMPLAINT CASE District-
Saran

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SHARWAN SAH SON OF RABINDRA SAH R/O VILLAGE- DHENUKI,
P.S.- MARHOWRAH, DISTRICT- SARAN (CHAPRA)

... .. Petitioner/s

Versus

1. The State of Bihar BIHAR
2. SAVITA @ GURIYA DEVI WIFE OF SHARWAN SAH, D/O- RAM
NARAYAN SAH R/O VILLAGE- LAHLADCHAK RAJAPUR, P.O. AND
P.S.- NAYAGAON, DISTRICT- SARAN (CHAPRA)

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Sachida Nand Rai, Adv.
For the Informant	:	Nalin Kumar, Adv.
For the Opposite Party/s	:	Mr.Sangeeta Sharma, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 26-07-2022 Let the defect(s), as pointed out by the office, be

removed within a period of four weeks from today.

Heard learned counsel for the petitioner and

learned A.P.P. for the State.

The petitioner seeks bail in connection with Trial

No. 1774 of 2022 arising out of Complaint Case No. 1894 of

2015 registered for the offences punishable under Sections

498(A) of the Indian Penal Code and Section 3/4 of the Dowry

Prohibition Act.

As per prosecution case, the complainant married

to petitioner on 20.02.2014 and thereafter she came to her in



law's house where after some time the accused persons including the petitioner started to demand one lac rupees from the complainant and when she failed to fulfill their demand the accused persons tortured her mentally and physically.

Learned counsel for the petitioner submits that from perusal of the impugned order it appears that charge was framed on 10.04.2019 and accused was directed on 15.07.2019 to appear before the court physically but he remained absent and his bail bond was cancelled on 22.10.2019. He was produced before the court on 09.03.2021 and was granted bail with direction to settle the matter with complainant and thereafter on 17.09.2021 the record was sent to the mediation centre for settlement between the parties which could not be materialized due to non appearance of the accused and the record was returned to the court. Again on 17.11.2021 the court below ordered the present petitioner to appear physically before the court but he did not comply the order and his bail bond was cancelled on 18.01.2022. Learned counsel further submits that the petitioner has surrendered before the Court on 22.03.2022 and since then he is in jail.

The learned A.P.P. for the State as well as learned counsel for the informant vehemently opposes the prayer for



bail of the petitioner.

Considering the facts and circumstances of the case as well as the order impugned which clearly shows that the petitioner is in habit of not appearing in the court on the given date which is fixed by the court below thereby hampering the progress of trial, keeping in view all the facts and circumstances of the case, learned court below is directed to conclude the case preferably within six months from the receipt of the order. If same is not concluded within six months the petitioner shall be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Sub-Divisional Judicial Magistrate, Chapra, District, Siwan in connection with Trial No. 1774 of 2022 arising out of Complaint Case No. 1894 of 2015, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission would be a ground for cancellation of bail by the learned Trial court itself.



(iii) 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.

(Alok Kumar Pandey, J)

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