

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25573 of 2022

Arising Out of PS. Case No.-683 Year-2019 Thana- BANKA District- Banka

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Kundan Sah Son Of Anirudh Sah R/O Village- Parahari, P.S.- Barahat,
District- Banka (Bihar)- 813102

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Lakshmi Kant Tiwary, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 30-11-2022 The applicant is accused in Crime No. 683 of 2019 registered with Banka (Barahat) Police Station for the offence punishable under Section 304(B) read with Section 34 of the Indian Penal Code, by this application is seeking the release on bail during pendency of the trial.

Earlier bail application of the applicant was rejected by the coordinate Bench of this Court on 01.02.2021 with liberty to renew the prayer if the trial is not concluded within a period of one year.

Heard the learned counsel appearing for the applicant/accused. He argued that despite lapse of more than one year, the trial has not proceeded an inch ahead. The prosecution witnesses are not attending the Trial Court.

The learned Additional Public Prosecutor opposed the



application by contending that the offence of dowry death is a serious offence.

I have considered the submissions so advanced and also perused the materials placed on record.

The applicant is the husband. His wife of six years was found dead near the tank adjacent to Nath Mandir on 22.09.2019. FIR is lodged by Kundan Kumar, who happens to be relative of the deceased wife.

It is seen that omnibus allegations regarding demand of dowry and consequent harassment are made against the applicant. He is behind bars for a period of more than three years. The trial has not yet commenced as not a single witness is examined by the learned Trial Court. The offence is not exclusively punishable with the life imprisonment. Hence, the order:-

i. The application is allowed.

ii. The applicant/accused in Crime No.683 of 2019 registered with Banka (Barahat) Police Station for the offence punishable under Section 304(B) read with Section 34 of the I.P.C. be released on bail on executing P.R. Bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the Trial Court with the following



conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the Trial Court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if they are found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicants in the instant case.

The applicant to remove all of office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

(A. M. Badar, J)

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