

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34881 of 2022

Arising Out of PS. Case No.-203 Year-2019 Thana- GURUA District- Gaya

Naushad Sah @ Naushad Shah, S/o Sarfraz Sah @ Sanfaraz Shah, R/o
village- Village Manda, P.S.- Gurua, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Praveen Kumar, Advocate

For the Opposite Party/s : Mr.Bal Mukund Prasad Sinha, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 06-07-2022 The applicant/accused in Crime No. 203 of 2019 registered with Gurua Police Station for the offences punishable under Sections 304(B) r/w Section 34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial. This is the third bail application of the applicant.

Heard both sides.

The learned Additional Public Prosecutor opposed the application by contending that similar applications moved by the applicant were rejected twice by this Court.

The applicant is husband of deceased Roji Khatoon. She died unnatural death after one year of her marriage with the applicant. Allegations against the applicant are to the effect that after marriage he used to harass her for an account of



demand of dowry. Similar allegations are also made against his parents. Indisputably his parents are released on bail.

Earlier bail application of the application of the applicant was rejected by this Court on 09.12.2021 with a direction to the learned trial court to take up the trial and finish it of within a period of six months. The applicant is behind bars from 25.10.2019. The applicant has stated in paragraph 7 of his application that though the concerned court has taken cognizance of the offence on 03.12.2019, the case is not even committed to the court of session for trial of the offence.

In this view of the matter, it is not possible to keep the applicant languishing behind bars indefinitely. Therefore, further pretrial detention of the applicant is not warranted. Therefore, the order :-

i. The application is allowed.

ii. The applicant/accused in Crime No. 203 of 2019 registered with Gurua Police Station 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 he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

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

(A. M. Badar, J)

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