

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49217 of 2021

Arising Out of PS. Case No.-66 Year-2019 Thana- SIKARPUR District- West Champaran

BAIJU DAS Son of Baldev Das @ Baldev Prasad Resident of Village -
Chanki Garh, P.S.- Shikarpur, Distt.- West Champaran, Bettiah.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jitendra Narain Sinha

For the Opposite Party/s : Mr.Arun Kumar Pandey

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

2 19-05-2022 The applicant/accused in Sessions Trial No. 83 of 2021 arising out of Shikarpur P.S. Case No. 66 of 2019 registered for the offences punishable under Sections 304B/34 of the Indian Penal Code, by this application is seeking his release on bail during pendency of the trial. His first bail application was disposed of with a direction to expedite the trial and to conclude the same within nine months, on 31.01.2020.

The learned counsel for the applicant reported that there is no progress in the trial and the applicant has already undergone pre-trial detention for a period of three years as he



was arrested on 18.02.2019.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advance and also perused the material placed before me.

Deceased Arti Kumari married the present applicant on 16.05.2017. She died in unnatural circumstances on or after 17.02.2019. The FIR was lodged by her father Rajendra Das. It is averred in the FIR that the accused persons including the present applicant who happens to be the husband, were demanding dowry and were subjecting Arti Kumari to harassment and cruelty.

The learned counsel for the applicant made a statement at Bar that all other co-accused are already released on bail. This position is not disputed by the learned Additional Public Prosecutor. Prima facie it is seen that the nature of evidence against the applicant and other accused persons is same. The applicant has already undergone pre-trial detention for three years. The offence is not exclusively punishable with life imprisonment. Therefore the order:-

- i. The application is allowed.
- ii. The applicant/accused in Sessions Trial No.



83 of 2021 arising out of Shikarpur P.S. Case No. 66 of 2019 registered for the offences punishable under Sections 304B/34 of the Indian Penal Code, 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
applicant/accused.

(A. M. Badar, J)

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