

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57266 of 2021

Arising Out of PS. Case No.-366 Year-2019 Thana- DIGHWARA District- Saran

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JAWAHIR SAH Son of Late Dinanath Sah Resident of Village- Manupur,
P.S.- Dighwara, District- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jitendra Narain Sinha, Adv.

For the Opposite Party/s : Mr. Anand Mohan Prasad Mehta, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

2 31-01-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and the learned A.P.P. for the State through video conferencing.

The petitioner seeks bail in connection with Dighwara P.S. Case No. 366 of 2019 registered for the offence under Sections 304B and 34 of the Indian Penal Code.

The sister of the informant is subjected to assault and she has been done to death on account of non-fulfillment of demand of dowry.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. In fact, the petitioner happens to be cousin brother of husband of the deceased. He further submits that the petitioner has been living separately from his brother and the deceased. He has never demanded any dowry nor he has assaulted the deceased in any manner. Moreover, co-accused, Harendar Sah @ Harendra Prasad has already been granted anticipatory bail by a co-ordinate Bench of this Court vide order dated 26.08.2021 passed in Cr. Misc. No. 1073 of 2021. Not only that the husband of the deceased has also been granted bail by the court below itself. The petitioner is rotting in judicial custody since 12.07.2021.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned Additional Chief Judicial Magistrate-9th, Saran at Chapra in connection with Dighwara P.S. Case No. 366 of 2019 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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