

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9172 of 2021

Arising Out of PS. Case No.-113 Year-2016 Thana- NIRMALI District- Supaul

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Anish Kumar @ Sonu Kumar Sah @ Sonu Kumar @ Anish Kumar Sah
(Male-28 years), Son Of Late Satya Narayan Sah, R/O Village- Nirmali, P.S.-
Niramli, District- Supaul.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Bhavesh Kumar, Advocate
For the Opposite Party : Mr. Choubey Jawahar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

5 23-02-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

Learned counsel for the petitioner is permitted to
make necessary correction in the prayer portion of the present
bail application, in course of the day.

The petitioner is languishing in custody since
29.01.2018 in a case registered for the offence under Sections
498(A), 304(B) and 201/34 of the I.P.C.

The prosecution story, in brief, is that the petitioner
tortured, assaulted and thereafter committed murder of the
victim due to non-fulfilment of demand of dowry.

Earlier the bail applications of the petitioner were
rejected vide Cr. Misc. No. 26223 of 2018 under order dated



10.07.2018 and vide Cr. Misc. No. 20575 of 2019 under order dated 04.09.2019 annexed as Annexure-1 series to the present application taking into account that the petitioner happens to be the husband of the deceased and the onus was on him to explain the cause of death of his wife.

A report was called for from the court below regarding the present stage of the case. It has been reported that out of 13 prosecution witnesses, 09 prosecution witnesses have already been examined and 04 prosecution witnesses including the official witnesses are yet to be examined. The said report is kept at Flag-'B' to the present application.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 29.01.2018 and has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has been made accused in the present case due to mistake of fact. The petitioner has remained in custody approximately 4 years and there is no chance of trial being concluded in near future.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R. He is the husband of the deceased. The onus is on him to explain the cause of death of his wife.



Considering the aforesaid facts and circumstances, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional District and Sessions Judge, Supaul or his successor in connection with Sessions Trial No. 164/2019, arising out of Nirmali P.S. Case No. 113 of 2016.

(Sudhir Singh, J)

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