

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17521 of 2023

Arising Out of PS. Case No.-66 Year-2022 Thana- SARSI District- Purnia

CHUNNA SAH Son of Shri Prasad Sah R/v- Shiuli Ward No. 2 P.S.- Sarsi
District- Purnia

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Vikram Singh, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh-1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-08-2023 Heard Mr. N.K. Agrawal, learned senior counsel for
the petitioner and learned Additional Public Prosecutor for the
State.

2. Petitioner seeks bail, who is in custody since
17.05.2022 in connection with Sarsi P.S. Case No. 66 of 2022,
F.I.R. dated 22.03.2022 for the offences punishable under
Sections 328, 304(B) of the Indian Penal Code.

3. Allegation against the petitioner is that he along
with his family members killed the daughter of the informant on
the pretext of non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case merely on the ground that the
petitioner is the husband of the deceased. He further submits



that the allegation as alleged in the F.I.R. is false and fabricated and petitioner has not committed any offence as alleged in the F.I.R. He further submits that it has come during investigation in para 13 and 14 of the case diary that the petitioner was outside the State at the time of occurrence and he was living in Punjab. He further submits that in para 46 of the case diary, the C.D.R. location of the petitioner was found on the date of the occurrence near the Himachal Pradesh, which suggest that the petitioner was not present on the date of the occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner and the petitioner is in judicial custody since 17.05.2022.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances, let the petitioner, above named, 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 the learned Chief Judicial Magistrate, Purnea in connection with Sarsi P.S. Case No. 66 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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