

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.13801 of 2023

Arising Out of PS. Case No.-276 Year-2020 Thana- KAJI MUHAMMADPUR District-
Muzaffarpur

Sanjeet Kumar @ Sonu Kumar Son of Late Ashok Rai R/o Mohalla- Ram
Raji Road Maripur, P.S.- Kazi Mohamadpur @ Kazi Mohammadpur, District-
Muzaffarpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijay Kumar Pathak, Advocate
For the Opposite Party/s : Mr. Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 31-08-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

3. Petitioner seeks bail who is in custody since
06.10.2020 in connection with Kazi Mohammadpur P.S. Case
No. 276 of 2020, F.I.R. dated 05.10.2020 for the offences
punishable under Sections 304B/34 of the Indian Penal Code.

4. According to prosecution case, all the accused
persons including the petitioner have killed the daughter and
grand daughter of the informant by setting them on fire due to
non-fulfillment of demand of dowry.



5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the allegation against the petitioner is that the petitioner along with other accused persons have killed the deceased and her daughter by setting them on fire and the victim died during the treatment. He further submits that the informant is not the eye witness of the alleged occurrence and even no one is the eye witness of the alleged occurrence. He further submits that the number of witnesses have stated during investigation that the room was locked from inside and the local people have broke the door of the room and found the victim inside the said room. He further submits that till date the charge has not been framed against the petitioner and the petitioner is in custody since 06.10.2020.

6. Vide order dated 20.07.2023 a report was called with regard to the present stage of trial. Report of the learned Trial Court dated 14.08.2023 reveals that the charge has been framed against the petitioner recently on 09.08.2023 and till date the prosecution has not examined any witnesses.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not likely to be concluded in the near future and the petitioner is in



custody since 06.10.2020.

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

9. 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 13th Additional District & Sessions Judge, Muzaffarpur in connection with Kazi Mohammadpur P.S. Case No. 276 of 2020, subject to the following conditions:-

i. 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.

ii. 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.

iii. 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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