

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19134 of 2022

Arising Out of PS. Case No.-296 Year-2013 Thana- BAKHTIARPUR District- Saharsa

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DHARMENDRA SADA @ SETHO SADA @ DHARMENDRA Son of
Upendra Sada @ Upendra Sada Resident of Village - Belwara O.P. Kanariya, P.S.
- Bakhtiyarpur, District - Saharsa at Present Village Chiraiya, P.S. -
Bakhtiyarpur, District - Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarnath Jha, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State through video conferencing.

The petitioner has prayed for grant of regular bail in a
case registered under sections 304B, 201 and 34 of the Indian
Penal Code and sections 3 and 4 of Dowry Prohibition Act.

As per the prosecution case, the daughter of the
informant was married to the petitioner. It is stated that she was
tortured by the accused persons including the petitioner herein
on account of non-fulfillment of demand of dowry and
ultimately she was killed and her body disposed of.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case only



on account of his being the husband of the deceased. He lives outside the State to earn his livelihood. The allegations made in the FIR are false and concocted. He is in custody since 12.7.2018 and is cooperating in the trial. There is no chance of the trial concluding in the near future.

A report was called for from the learned trial Court. As per the report received contained in letter dated 15.9.2022 of the learned Additional District and Sessions Judge-I, Saharsa, charge has been framed on 17.6.2022 and summons have been issued for appearance of the twelve prosecution witnesses including the four Investigating Officers however no witness has been examined on behalf of the prosecution as yet.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the material on record and especially the contents of the report of the learned Court below together with the petitioner having remained in custody for 4 years 5 months since 12.7.2018, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 128 of 2022 (arising out of Bakhtiyarpur (Kanariya OP) P.S. Case no. 296 of 2013) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount



each to the satisfaction of the learned Additional District &
Sessions Judge-I, Saharsa.

(Partha Sarthy, J)

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