

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20438 of 2023**

Arising Out of PS. Case No.-107 Year-2019 Thana- NAUTAN District- Siwan

Pappu Soni @ Pappu Kumar Soni Son Of Shyamdev Singh, Soni @ Shyam
Singh R/O Village- Jamanpura, P.S.- Rasulpur, District- Chapra (BIHAR)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravindra Nath Dubey, Advocate

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

8 28-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Nautan P.S. Case No. 107 of 2019 registered on
04.07.2019 for the alleged offences under Sections 302/201/34
of the Indian Penal Code.

04. As per prosecution case, the daughter of the
informant had been living in her parental home after dispute
with her husband. On fateful day it is alleged that the petitioner,
who is the husband of the informant's daughter, called her out
and later on her dead body was recovered near a pond.

05. Learned counsel for the petitioner submits that



this is the second attempt of the petitioner to get bail from this Court, as earlier the prayer for bail of the petitioner was rejected vide order dated 03.08.2022 passed in Criminal Misc. No. 61608 of 2021. Learned counsel further submits that a report was called for from the learned trial court regarding stage of trial and it has been reported that the matter has been pending for examination of remaining two prosecution witnesses since 14.11.2022 though this Court directed to the learned trial court to expedite the trial. Learned counsel further submits that the petitioner is innocent and has been falsely implicated in this case due to ulterior motive. There are no details about alleged phone number by which the daughter of the informant was called out. During the relevant period of time, the petitioner was staying in Jammu and Kashmir. The other co-accused persons have been granted anticipatory bail by a Co-ordinate Bench of this Court vide order dated 20.7.2022 passed in Criminal Misc. No. 71866 of 2021. The petitioner is having three children and they need to be looked after but there appears no chance of conclusion of the trial in the near future, as the matter is pending for examination of Doctor and Investigation Officer since 14.11.2022. The petitioner is in custody since 18.03.2021. The petitioner has got no criminal history.



06. Learned APP for the State opposes the prayer for bail submitting that no new ground has been put forward seeking bail and the death of the informant's daughter was caused by strangulation and witnesses of the case diary have supported the prosecution case.

07. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the delay in conclusion of trial and further considering the fact that all the non-official witnesses have been examined and also considering the period of custody of the petitioner, he is directed to be released on bail on furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate-1st Class, Siwan/concerned court in connection with Nautan P.S. Case No. 107 of 2019, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence for three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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