

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23695 of 2023

Arising Out of PS. Case No.-793 Year-2019 Thana- AHIYAPUR District- Muzaffarpur

SUDHIR SAH @ SUDHIR KUMAR SON OF PREM SAH R/O VILLAGE-
JHAPHA, P.S.- AHIYAPUR, DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nachiketa Jha, Adv.

For the Opposite Party/s : Mr.Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 28-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks bail in connection with Sessions
Trial No. 489 of 2022 arising out of Ahiyapur P.S. Case No. 793 of
2019 registered for the offence under Sections 304B/34 of the
Indian Penal Code.

The daughter of the informant is subjected to assault
and torture on account of non-fulfillment of demand of dowry by
the petitioner and others and she has finally been done to death
for want of dowry.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the allegation, as alleged in the F.I.R., is false and fabricated and



the petitioner has not committed any offence. He further submits that it appears from the F.I.R. that no specific allegation of assault is attributed to the petitioner rather there is general and omnibus allegation leveled against the accused persons including the petitioner. He further submits that on bare perusal of the F.I.R., it appears that the occurrence is alleged to have been committed on 30.06.2019 whereas the instant F.I.R. has been lodged on 01.07.2019 and postmortem report of the deceased reveals that the cause of death of the deceased was asphyxia caused by ante-mortem hanging. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner and charge has also been framed in this case against the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 22.11.2021.

Learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that postmortem report of the deceased reveals that legature mark was found all around the neck of the deceased which suggest that the deceased has not committed suicide herself.

A report with regard to present stage of the trial has been called for by this Court vide order dated 17.07.2023 which has been received and forms part of this application at Flag-R



dated 20.07.2023. On perusal thereof, it would reveal that out of seven witnesses, only one witness has been examined by the prosecution as yet.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 22.11.2021 i.e more than one and half years.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.D.J.-18th, Muzaffarpur in connection with Ahiyapur P.S. Case No. 793 of 2019/ S.T. No. 489 of 2022 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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