

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34825 of 2023

Arising Out of PS. Case No.-7 Year-2021 Thana- BEN P.S. District- Nalanda

SIKANDER KUMAR @ SIKANDER RAM @ BITTU SON OF RAM
PRASAD @ RAM PRASAD RAM VILLAGE JHANDU BIGHA, PS
BEN ,DIST NALANDA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-08-2023 Heard learned counsel for the petitioner and Mr. J.K.
learned APP for the State.

The petitioner is in judicial custody in connection with Ben P.S. Case No. 07 of 2021 registered under Sections 304 (B)/ 34 of the Indian Penal Code lodged on 11.01.2021 by the informant, Subham Kumar

Allegation is that the accused persons including the petitioner caused death of the sister of the informant due to non-fulfilment of demand of dowry.

Earlier prayer for bail of the petitioner was rejected vide an order dated 29.11.2021 passed in Cr. Misc. No.40644 of 2021.

A report was called for which has since been received



vide letter no. 100 dated 10.07.2023 and as per it, cognizance has been taken on 04.07.2023.

The point raised by the learned counsel for the petitioner in paragraph no. 8 is that at the relevant time, he was not even present at the place of occurrence rather was in Himachal Pradesh.

Mr. Jitendra Kumar Singh learned APP opposes the prayer stating that he is the husband.

Taking into account the fact that the trial has not even started, as per the submission of the learned counsel for the petitioner, he was not present at the place of occurrence, has remained in custody since 25.02.2022 (stated in paragraph 4 of the petition), this Court is inclined to grant him privilege of bail.

Let the petitioner be released on bail on furnishing bail of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned A.C.J.M. Ist , Bihar Sharif at Nalanda, in connection with Ben P.S. Case No. 07 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his/her bail bond by the Trial court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

(Rajiv Roy, J)

Jagdish/Jyoti/-

U		T	
---	--	---	--

