

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35848 of 2023

Arising Out of PS. Case No.-181 Year-2021 Thana- GORIAKOTHI District- Siwan

Masum Haidar @ Masoom Haidar S/O Jalim Miyan Village- Saidpura Ps-
Goreakothi Dist- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Ms. Priyanka Singh, Advocate
For the Opposite Party/s	:	Mr. Bharat Lal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 02-08-2023 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Goriakothi P.S. Case No. 181 of 2021 registered on 09.10.2021 for the alleged offences under Section 302/201 of the Indian Penal Code.

3. This is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 02.11.2022 passed in Cr. Misc. No. 3786 of 2022.

4. As per prosecution case, the petitioner killed his wife by setting her on fire and buried her dead-body.



5. Learned senior counsel appearing on behalf of the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The marriage was solemnized 11 years prior to the occurrence and there can be no application of Section 304(B) of IPC in this case. The wife of the petitioner had been suffering from illness and she was undergoing treatment since 2019. The wife of the petitioner was mentally disturbed and she set herself on fire. Learned senior counsel further submits that informant is not the resident of the same place as she is the mother of the deceased lady, but the witnesses who are residents of the same place as that of informant have specifically stated that wife of the informant committed suicide after locking doors of her room and the petitioner and his family members tried to save her after breaking the door open. The statement of the eyewitnesses have been recorded from Paragraph Nos. 54, 55, 56, 57, 65 and 66 of the case diary. The petitioner is in custody since 28.10.2021.

6. Learned APP opposes the prayer for bail submitting that the prayer for bail of the petitioner was earlier rejected by this Court on the ground of specific allegation against this petitioner.

7. A report has been called for from the learned trial



court about the present stage of trial and the perusal of the report shows charges have been framed on 01.03.2023 and only two prosecution witnesses have been examined in this case.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the delay in completion of the trial as only two witnesses have been examined so far and further considering the period of custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Siwan/court concerned in connection with Goriakothi P.S. Case No. 181 of 2021, 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 on 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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