

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44793 of 2023

Arising Out of PS. Case No.-281 Year-2018 Thana- BIKRAM District- Patna

Sonu Kumar Son Of Late Kasi Ram Resident Of Village - Shivgradh,
Datiana, P.S. - Bikram, District - Patna, Pin - 801104

... .. Petitioner/s

Versus

THE STATE OF BIHAR .

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjit Jha, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-09-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 18.09.2018 in connection with Bikram (Patna) P.S. Case No.281 of 2018, F.I.R. dated 11.09.2018 for the offences punishable under Sections 302, 304(B), 201/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he along with his family members killed the daughter of the informant on the pretext of non-fulfillment of demand of dowry.

4. Earlier the bail application of the petitioner was rejected thrice vide order dated 20.11.2019 passed in Cr. Misc. No.40367 of 2019, order dated 11.08.2021 passed in Cr. Misc. No.35160 of 2020 and order dated 10.08.2022 passed in Cr. Misc. No.4227 of 2022.



5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that as per allegation in the F.I.R. that the petitioner has killed his wife by setting her on fire within five months of her marriage and disposed of the dead body of the deceased.

6. Learned counsel for the petitioner further submits that as per instruction, charge has been framed in the year 2019 itself but the trial has not concluded as yet.

7. Vide order dated 19.07.2023, a report was called for with regard to the present stage of trial. Report dated 26.08.2023 of the learned Trial Court reveals that the charge has been framed on 20.09.2019 and out of four charge sheet witnesses, only one witness namely, Satish Kumar has been examined as yet.

8. Learned counsel for the petitioner submits that in view of the report of the learned trial court that the trial cannot be concluded in near future and the petitioner is in custody since 18.09.2018.

9. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation



against the petitioner that he set on fire the victim, who was the wife of the petitioner.

10. Considering the aforesaid facts and circumstances, report of the learned Trial Court as well as period of custody, let the petitioner, above named, 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 the learned Additional Sessions Judge-Vith, Danapur or A.C.J.M.-Vith, Danapur, Patna in connection with Bikram P.S. Case No. 281 of 2018, corresponding to G.R. No.3009 of 2018, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

3. 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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