

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47364 of 2022

Arising Out of PS. Case No.-171 Year-2019 Thana- PHULPARAS District- Madhubani

Singheshwar Sah @ Singheshwar Sah S/o Kari Sah Resident of Village-
Khargamma, P.S.- Phulparas, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Bharti, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 03-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State in the virtual court
proceeding.

Learned counsel for the petitioner is permitted to
remove the defect(s), as pointed out by the office, if any, within
a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 304B and 34 of the Indian
Penal Code.

According to prosecution case, the daughter of the
informant was married to the petitioner 10 years ago but after
marriage the informant's daughter was tortured by the petitioner
and his in-laws. It is also alleged that the petitioner demanded
mobile and LCD from the informant and due to non-fulfillment



of the said demand, the petitioner beaten the daughter of the informant due to which she became injured and died.

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 it appears from the FIR itself that the marriage was solemnized with the deceased 10 years ago. He further submits that there is no eye witness of the alleged occurrence and only on the basis of suspicion, the petitioner has falsely been implicated in the present case. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 12.12.2019.

Vide order dated 16.12.2022, a report was called with regard to the stage of trial. Report dated 03.01.2023 reveals that the charge has been framed on 15.03.2021 and till date no prosecution witness had been examined and the case is pending for prosecution evidence.

Learned counsel for the petitioner submits that in view of the report, the trial will not concluded in near future and the petitioner is in custody since 12.12.2019.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.



Considering the fact that the charge has been framed on 15.03.2021 and the petitioner is in custody since 12.12.2019, 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 Court below where the case is pending in connection with Phulparas P.S. Case No. 171 of 2019, 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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