

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53761 of 2023

Arising Out of PS. Case No.-333 Year-2020 Thana- TRIVENIGANJ District- Supaul

MD SAIYED @ MD SAIYADULLAH @ SAIYED ULLA @ MD
SIYADULLAH Son of Md. Atabul Resident of Village-Matkuriya Latauna,
P.S.-Triveniganj, District-Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun Kumar Jha, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 04-09-2023 1. Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.
2. Petitioner, who is in custody since 21.11.2020 seeks
bail, in connection with Sessions Trial No.223/2021, arising out of
Triveniganj P.S. Case No.333/2020, dated 20.11.2020, for the
offences punishable under Sections 328, 302, 304(B), 498(A), 109,
120(B) and 34 of the IPC.
3. According to prosecution case, the petitioner is alleged
to have killed the daughter of the informant by giving poison in her
sweets.
4. Learned counsel for the petitioner submits that the
petitioner has clean antecedent and he has falsely been implicated in
the present 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 as alleged in the F.I.R. and the place of occurrence is father's house of the deceased and she has committed suicide herself.

5. Vide order dated 19.08.2023 a report was called for from the learned trial court. Report dated 28.08.2023 of the learned trial court reveals that charge has been framed against the petitioner and other co-accused persons and out of five charge sheeted witnesses, only two prosecution witnesses have been examined while the remaining three prosecution witnesses including the informant, doctor and the I.O. are yet to be examined in the present case.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial court, the trial is not likely to be concluded in near future and the petitioner is in custody since 21.11.2020.

7. Learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and 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 District and Sessions Judge-1st, Supaul in connection with S. Tr. No.223/2021, arising out of Triveniganj P.S. Case No.333/2020, 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)

amit/-

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

