

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.52091 of 2022**

Arising Out of PS. Case No.-192 Year-2020 Thana- GHOGHARDIHA District- Madhubani

Sita Ram Malik Son Of Late Billat Malik R/O Village- Ghoghardiha, P.S.-  
Ghoghardiha, Dist.- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

7      19-05-2023                      Heard learned counsel for the petitioner and learned  
APP for the State.

Petitioner seeks bail, who is in custody since  
26.12.2020 in connection with Goghardiha P.S. Case No. 192  
of 2020, corresponding to Sessions Trial No. 213 of 2021, F.I.R.  
dated 25.12.2020 registered for the offences punishable under  
Sections 304(B), 302, 201/34 of the Indian Penal Code.

Allegation against the petitioner is of committing  
torture and caused death of the victim due to non-fulfillment of  
demand of dowry.

Learned counsel for the petitioner submits that the  
petitioner is innocent and he has been falsely implicated in the  
present case merely on the ground that the petitioner is the  
husband of the deceased. . He further submits that the allegation



as alleged in the F.I.R. is false and fabricated and in fact the deceased died due to diarrhoea and when the informant came to know the real fact, he had filed a compromise petition on 08.04.2021.

Vide order dated 07.04.2023, a report was called for with regard to the stage of the trial. Report dated 12.04.2023 of the learned Trial court reveals that charge has been framed against the petitioner on 20.12.2022 under Sections 304B, 302, 201, 34 of the Indian Penal Code. However, the prosecution has not produced any witness as yet.

Learned counsel for the petitioner submits that in view of the report of the learned trial Court, the trial is not concluded in near future and the petitioner is in custody since 26.12.2020.

Considering the facts and circumstances of the case as well as the report of the learned trial court and also the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-III, Jhanjharpur, in connection with Sessions Trial No. 213 of 2021 arising out of Ghoghardiha P.S. Case No. 192 of 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 witness, 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 antecedents, 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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