

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58766 of 2023

Arising Out of PS. Case No.-26 Year-2021 Thana- GUTHANI District- Siwan

Surendra Yadav S/O- Late Ram Prabhav Yadav @ Late Ram Prabha Yadav
R/O- Village- Tarwa Khurd, P.S.- Guthani, Dist- Siwan

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwary, Advocate

For the Opposite Party/s : Mr.Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 21-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 14.08.2022 in connection with S.Tr.No.207 of 2023 arising out of Guthani P.S. Case No. 26 of 2021, F.I.R. dated 04.02.2021 registered for the offence punishable under Sections 304(B),201/34 of the Indian Penal Code.

3. Allegation against the petitioner is that he alongwith other co-accused persons have in furtherance of their common intention committed the dowry death of the sister of the informant.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent and he has falsely been implicated in the present case. The allegation as



alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR. Further submits that the marriage of the petitioner was solemnised with the victim in the year 2010 and the present occurrence had taken place in the year 2021 and the death of the victim has done after 11 years of the marriage so there is no case made out against the petitioner under Section 304(B) of the Indian Penal Code and there is no eye witness of the alleged occurrence and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 14.08.2022.

5. Vide order dated 08.09.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 15.09.2023 reveals that the charge has been framed against the petitioner on 02.05.2023 and the prosecution has not examined any witness.

6. Learned counsel for the petitioner has referred the aforesaid report and submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 14.08.2022 i.e. more than one year and he may face the trial.

7. Learned APP 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, 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 learned Additional District and Sessions Judge-VII, Siwan in connection with S.Tr.No.207 of 2023 arising out of Guthani P.S. Case No. 26 of 2021, with the following conditions:-

(I) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) 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.

(III) 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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