

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58275 of 2022

Arising Out of PS. Case No.-87 Year-2022 Thana- SULTANGANJ District- Bhagalpur

Sailesh Kumar Singh @ Shailesh Kumar @ Shailesh Singh S/o Upinder Singh @ Upendra Singh R/V- Goriyasi Sahabad, P.S.- Sultanganj, Distt- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate

For the Opposite Party/s : Mr. Anil Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 03-04-2023 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

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

According to prosecution case, in brief, is that the informant has solemnized the marriage of his grand daughter to the petitioner in the year 2021 and some days before his grand daughter started to weep by talking on phone and told that petitioner always used to assault her and cut the phone. On 31.03.2022 he received a call from the village of petitioner that the grand daughter of the informant hanged herself 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 petitioner is the husband of the deceased and the allegation as alleged in the F.I.R. is false and fabricated and the deceased has committed suicide herself. He further submits that the informant is not the eye witness of the alleged occurrence and only on the basis of suspicion the name of the petitioner has falsely been implicated in the present case. He further submits that the postmortem report does not show any external injury on the person of the deceased and the police after investigation submitted the charge sheet against the petitioner. The petitioner is in judicial custody since 02.04.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the deceased.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail, **after framing of charge, if not framed**, 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 S.T. No. 461 of 2022 arising out of Sultanganj P.S. Case No. 87 of 2022 corresponding to G.R. No. 1350/2022, 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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