

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.69763 of 2022**

Arising Out of PS. Case No.-7 Year-2020 Thana- DHIBRA District- Aurangabad

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SUNIL BHARTI Son of Naresh Bhuiyan R/V- Madadag P.S- Chatarpur, Dist-  
Palamu (Jharkhand)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ranjit Kumar, Adv.

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

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

5      19-07-2023                      Heard learned counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner seeks bail in connection with  
Dhibara P.S. Case No. 07 of 2020 registered for the offence  
under Sections 302 and 304(B) of the Indian Penal Code.

The daughter of the informant is subjected to  
assault and torture on account of non-fulfillment of demand  
of dowry by the petitioner and others and she has finally  
been done to death for want of dowry.

Learned counsel appearing for the petitioner  
submits that the petitioner, who is of clean antecedent, is  
innocent and has falsely been implicated in this 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. He further submits that it appears from the F.I.R. that daughter of the informant has been killed and her dead body was found in the abandoned field. He further submits that informant does not claim to be the eye witness of the alleged occurrence but merely on the basis of suspicion, the petitioner been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner and no specific allegation of assault is attributed to him. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 14.05.2020.

A report with regard to present stage of the trial has been called for by this Court vide order dated 27.04.2023 which has been received and forms part of this application at Flag-R dated 24.06.2023. On perusal thereof, it would reveal that the charge has been framed against the petitioner in this case on 07.02.2022 but till not even a single witness has been examined till date and the case is pending for examination of prosecution witnesses.

Learned counsel appearing for the petitioner



referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 14.05.2020 i.e more than three years.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the present stage of the trial as reported in the report of the trial court and also the period of custody, let the, above named, petitioner 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-XII, Aurangabad in connection with Dhibara P.S. Case No. 07 of 2020/S.T. No. 40 of 2022 (71 of 2021) with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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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