

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74221 of 2023

Arising Out of PS. Case No.-541 Year-2023 Thana- MOTIHARI MUFASIL District- East
Champaran

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ASARFI SAH SON OF LATE SHIVLOCHAN SAH RESIDENT OF
VILLAGE - MAHANGUA, P.S. - MUFFASIL, DISTRICT - EAST
CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Krishna Kant Singh, Adv.
For the State	:	Mr.Bhanu Pratap Singh, APP
For the Informant	:	Mr.Dhananjay Kumar Gupta, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

2 23-11-2023 The present matter has been listed today under

the heading "To Be Mentioned" on the basis of mention

slip filed on behalf of the petitioner for priority hearing

as wife of the petitioner has died on 16.11.2023 and

there is no one to perform the Shradh ceremony, which

is going to be performed on 28.11.2023.

2. Heard learned counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for

the State.

3. The petitioner seeks bail in connection with

Muffasil P.S. Case No. 541 of 2023 registered for the



offences punishable under Sections 304(B), 201/34 of the Indian Penal Code.

4. As per prosecution case, petitioner and other are said to have committed the murder of informant's daughter for non-fulfillment of demand of dowry. It is further alleged that police has recovered some portion of dead body from the place of occurrence.

5. Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence as alleged in the FIR and he has falsely been implicated in this case. Petitioner is in custody since 31.07.2023. Petitioner bears no criminal antecedent. Petitioner is grand father of husband of the deceased and he has no say in the daily affairs of the deceased and her husband. Petitioner is residing with his other grandson and he has nothing to do with the alleged occurrence. Petitioner is aged about 80 years and is suffering from several disease. There is general and omnibus allegation against the petitioner. Learned counsel orally submits that



charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

6. Learned counsel for the informant and learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner.

7. Considering the facts and circumstances of the case, period of custody, keeping in view clean antecedent of petitioner, petitioner is grand father and he has no say in the family affairs of deceased and her husband, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 Chief Judicial Magistrate, East Champaran, Motihari in connection with Muffasil P.S. Case No. 541 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who



has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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