

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72425 of 2022

Arising Out of PS. Case No.-217 Year-2020 Thana- SHEKHPURA District- Sheikhpura

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SAMI ALAM SON OF LATE MEHANDI MIYAN R/O VILLAGE-
KAMASI, P.S.- SHEKHPURA, DISTRICT- SHEIKHPURA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Adv.

For the Opposite Party/s : Mr.Shailendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 20-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with S.T. No. 52
of 2020 arising out of Shekhpura P.S. Case No.217 of 2020
registered for the offence under Sections 302 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 petitioner happens to be the husband of the deceased and he



has not demanded any dowry nor he assaulted the deceased in any manner. He further submits that the informant does not claim to be the eye witness of the alleged occurrence and merely on the basis of suspicion, he has been made accused in this case. 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 26.05.2020.

A report with regard to present stage of the trial has been called for by this Court vide order dated 07.04.2023 which has been received and forms part of this application at Flag-C. On perusal thereof, it would reveal that out of six charge-sheet witnesses, three witnesses have been examined rest of the witnesses are yet to be examined.

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 as there appears to be no substantial progress in the trial and the petitioner is languishing in judicial custody since 26.05.2020 i.e more than two and half years.

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

Considering the facts and circumstances of the case, 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-III, Sheikhpura in connection with S.T. No. 52 of 2020 arising out of Shekhpura P.S. Case No.217 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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