

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71055 of 2022

Arising Out of PS. Case No.-269 Year-2018 Thana- SARAIYA District- Muzaffarpur

MD. SARFARAJ ALAM @ MUNNA SON OF LATE MD. SHEKH
SATTAR R/O VILLAGE- TIL BIHTA, P.S.- SARAIYA (O.P. JAIPUR),
DISTRICT- MUZAFFARPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alok Kumar Alok

For the Opposite Party/s : Mr.Surendra Kumar

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 16-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since
12.09.2022, in connection with Saraiya (Jaitpur O.P.) P.S. Case
No. 269 of 2018, F.I.R. dated 28.06.2018, registered for the
offences punishable under Sections 341, 323, 304(B), 504,
506/34 of the Indian Penal Code.

Prosecution story is that the petitioner assaulted the
daughter of the informant for demand of dowry. The matter was
compromised in panchayati, but later on they again started
demanding dowry and assaulted her with lathi and danda, due to
which she sustained injuries and during the period of treatment,
she died.



Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel for the petitioner submits that the the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence. It appears from the FIR itself that the father of the deceased has taken away the deceased one month prior to the present occurrence and her treatment was performed in P.M.C.H. and during the treatment she has died about eight years ago and as such he further submits that the police after investigation submitted chargesheet under Section 306 and 34 of the Indian Penal Code against the petitioner and the petitioner is in custody since 12.09.2022.

The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more cases other than the present one.

Considering the facts and circumstances of the case, 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 A.C.J.M.-4th (West), Muzaffarpur, in connection with Saraiya (Jaitpur O.P.) P.S. Case No. 269 of 2018, 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 witness, 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 antecedents, 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.

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(Rajesh Kumar Verma, J)

