

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75719 of 2023

Arising Out of PS. Case No.-331 Year-2021 Thana- CHANPATIA District- West Champaran

SAMSHAD ALAM Son of Khurshid Alam @ Sheikh Khurshid @ Khushi
Alam Resident of Village - Senwariya, P.S.- Chanpatiya Sirisiya O.P., District
- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Shrivastava

For the Opposite Party/s : Mr.Nirmal Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Chanpatia (Sirisiya O.P.) P.S. Case No. 331 of 2021 registered for the offences punishable under Section 302/34 of the I.P.C. but the police after thorough investigation submitted charge sheet under Section 306/34 of the I.P.C.

3. As per prosecution case, marriage of informant's daughter was solemnized with the petitioner in the year 2013 and informant gave 6 katha land and also constructed the house on the same land. It is further alleged that pressure was being made upon the informant's daughter to register the said land in the name of father-in-law of informant's daughter. It is further alleged that on 23.06.2021, the informant got secret information that his daughter was beaten by



her in-laws and when the informant reached at Sasural of her daughter, he did not find her daughter there. On 25.06.2021, the informant got information that his daughter has been killed.

4. Learned counsel for the petitioner submits that the bail of the present petitioner has already been rejected by this Court vide Cr. Misc. 22210 of 2022 on 12.01.2023 with an observation that if there is no substantial progress in the proceedings of trial within the stipulated period of nine months, the petitioner may renew his prayer for bail. He further submits that petitioner is in custody since 27.07.2021 which is more than two years and four months and bears no criminal antecedent. Charge sheet has been submitted in the case under Section 306/34 of the I.P.C. and there is no likelihood of tampering with the prosecution evidence. He further submits that petitioner is quite innocent and has falsely been implicated in the case just because he is husband of the deceased. He further submits that since the date of rejection of earlier bail prayer of the petitioner near about one year has been elapsed and out of seven charge sheeted witnesses, four prosecution witnesses have been examined which indicates that the trial is going at a slow pace and the trial is not likely to be concluded in near future. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 27.07.2021.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner but conceded to the submission of



the learned counsel for the petitioner that this Court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded within the stipulated period of nine months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 234 dated 02.12.2023 has sent its report which reveals that out of seven charge sheeted witness, four prosecution witnesses have been examined.

Considering the facts and circumstances of the case, period of custody undergone by the petitioner which is more two years and four months, trial is not likely to be disposed of in near future and delay of trial is not attributable to the petitioner, argument advanced on behalf of both sides as well as 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, Bettiah, West Champaran in connection with Chanpatia (Sirisiya O.P.) P.S. Case No. 331 of 2021, 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.s

(Alok Kumar Pandey, J)

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