

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9699 of 2023

Arising Out of PS. Case No.-384 Year-2020 Thana- HAJIPUR SADAR District- Vaishali

Santosh Kumar Son of Mahesh Rai Resident of- Gadai Sarai, P.S.- Hajipur
Sadar, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Saroj Kumar Choudhary, Advocate

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

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 18-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

2. Let the defect(s), if any, be removed within a period
of four weeks from today.

3. At the outset, learned counsel for the petitioner
submitted that inadvertently, the year of custody period in para
15 of bail petition has been wrongly typed as '2022' instead of
'2021'.

4. Accordingly, learned counsel for the petitioner is
permitted to make necessary correction, during the course of the
day itself.

5. The petitioner seeks bail in connection with Hajipur
Sadar P.S. Case No. 384 of 2020 registered for the offence under
Section 304-B, 201, 120-B of the Indian Penal Code.



6. The accused/petitioner is named in the F.I.R. and is in custody since 07.09.2021.

7. The allegation against this petitioner is to cause death of sister of informant alongwith other co-accused persons/ family members due to non-fulfillment of demand of dowry, as raised for cash of Rs. 5 lakhs.

8. Learned counsel appearing on behalf of the petitioner submitted that petitioner was implicated with this case falsely only being husband of deceased. It is submitted that at the time of occurrence he was residing at Hyderabad, his place of working. It is submitted that when the rest of the family members were outside home to attend a marriage party, the deceased wife of petitioner step out alone from the house, where the present mishappening took place. Learned counsel also pointed out that dead body of victim found from open area of Ganga Diyara, accessible by general public. It is further pointed out that father of this petitioner, lodged a missing report immediately on 29.06.2020 prior to lodging this F.I.R., and said report was registered as SDE No. 863/2020 with P.S. Hajipur Sadar, District- Vaishali. It is submitted that petitioner is in custody since more than two years and trial is not likely to conclude in near future, as matter is still pending for prosecution



evidence.

9. Learned APP, while opposing the prayer of bail submitted that petitioner is husband but fairly conceded the fact that a missing report prior to lodging this F.I.R. was given to P.S. Hajipur Sadar, District- Vaishali.

10. Considering the facts and circumstances as mentioned above, and by taking note of missing report which is prior to lodging this F.I.R. coupled with the fact that petitioner is in custody since 07.09.2021, where trial is not likely to conclude in near future, accordingly the petitioner, above named, is directed to be released on bail in connection with Hajipur Sadar P.S. Case No. 384 of 2020 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 Vaishali/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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