

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76336 of 2023**

Arising Out of PS. Case No.-422 Year-2022 Thana- BUXAR MUFFSIL
District- Buxar

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PUJA RAI @ SIVANGI RAI SON OF ABHISHEK RAI RESIDENT OF VILLAGE
-KAMARPUR, PS- BUXAR MUFFASIL, DIST- BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dharmesh Kumar Shrivastava, Adv.

For the Opposite Party/s : Mr. Ram Naresh Ray, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-12-2023 Heard Mr. Dharmesh Kumar Shrivastava, learned

counsel for the petitioner and Mr. Ram Naresh Ray, learned

A.P.P. for the State.

The petitioner seeks bail in connection with

Session Trial P.S. Case No. 08 of 2023 arising out of Buxar

Muffasil P.S. Case No. 422 of 2022 dated 25.09.2022

registered for the offence under Sections 341, 323, 307,

498(A) of the Indian Penal Code and Section 3/4 of the

Dowry Prohibition Act. Later on Section 304(B) of the Indian

Penal Code was added.

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.

Earlier the prayer for bail of this petitioner has been rejected vide order dated 23.06.2023 passed in Cr. Misc. No. 67638 of 2022 considering the case of the petitioner on merit. Thereafter the petitioner again approached this Court in Cr. Misc. No. 67762 of 2023 which was withdrawn vide order dated 06.10.2023 with liberty to move a fresh before the learned trial court. Pursuant to the aforesaid liberty, the petitioner has moved before the court below. Now again the petitioner has renewed his prayer for bail before this Court.

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 allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the petitioner happens to be sister-in-law of the deceased and she has been languishing in judicial custody since 19.10.2022.

A report with regard to present stage of the trial has been called for by this Court vide order dated 10.11.2023 which has been received and forms part of this



application at Flag-A. On perusal thereof, it would reveal that out of eleven charge-sheet witnesses, only two witnesses have been examined as yet.

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 and the petitioner is languishing in judicial custody since 19.10.2022 i.e more than one year.

Considering the facts and circumstances of the case and the report of the trial court stating the present stage of the trial and the period of custody, 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 A.D.J.-V, Buxar in connection with Session Trial No. 08 of 2023 arising out of Buxar Muffasil P.S. Case No. 422 of 2022 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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