

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12154 of 2024

Arising Out of PS. Case No.-30 Year-2021 Thana- DHAMDAHA District- Purnia

Pawan Sah Son of Late Bateshwar Sah R/o vill - Shanti Nagar, ward no. 2,
Madhya Dhamdaha, P.S. - Dhamdhan, Distt. - Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Raj Kishor Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

4 10-05-2024 Heard learned counsel for the petitioner and the

State.

2. The petitioner is in judicial custody in connection with S.T. No. 241 of 2021/CIS No. 241 of 2021 arising out of Dhamdaha P.S. Case No. 30/2021 under Sections 304(B)/34 of the Indian Penal Code lodged on 09.02.2021 by the informant, Pramila Devi.

3. As per the allegation in the FIR, right from the solemnization of marriage, the petitioner was demanding dowry and in absence of that, it is alleged that he always used to assault the victim lady. The informant further alleged that he being a poor person, was not in a position to fulfill the demand of motorcycle by the petitioner herein. It has further been alleged that he always used to threaten the victim lady that family



members cannot stop him from remarrying. On the fateful day, the informant has alleged that there had been a fight and soon thereafter, she was informed that her daughter is hanging on a fan. She has alleged that by conspiracy, the petitioner herein killed her daughter.

4. Earlier the Cr. Misc No. 19215 of 2022 was rejected on 08.08.2022. The petitioner has again renewed the prayer for bail.

5. In this case, report was called for on 16.02.2024 and the same has been received vide letter no. 88/2024 dated 22.03.2024 sent by the 5th Additional Sessions Judge (In-charge), Purnea according to which, out of seven charge-sheet witnesses, three have been examined and letters have been issued to the Superintendent of Police for production of other prosecution witnesses but they have not been produced.

6. Learned counsel for the petitioner submits that only because he is the husband has remained in custody for about three years to be precise from 05.07.2021 (paragraph-4 of the petition) and he is ready to diligently appear in trial.

7. Learned APP opposed the prayer stating that he is the husband.

8. Taking into account the period of custody



(05.07.2021, paragraph-4 of the petition) as also the fact that only three of the charge-sheet witnesses have been examined despite summons, the rest have not turned up, he is ready to diligently appear in trial, do not have any criminal antecedent, this Court is inclined to extend him the privilege of bail with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 5th Additional Sessions Judge, Purnea, in connection with Dhamdaha P.S. Case No. 30 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or



promise or threat the witnesses or tamper with the evidences,
failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Adnan/-

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