

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14356 of 2024

Arising Out of PS. Case No.-205 Year-2022 Thana- DESARI District- Vaishali

Rita Devi wife of Achelal Sahini, R/o Village- Chanpur Nanhakar, PS- Desri
(Chandpura OP), Dist- Vaishali, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dharmendra Paswan, Advocate

For the Opposite Party/s : Mr. Akbar Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-04-2024 Heard Mr. Dharmendra Paswan, the learned
counsel for the petitioner and Mr. Akbar Ali, the learned
Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
19.05.2022 in connection with Desari (Chandpura OP) PS Case
No. 205 of 2022, FIR dated 17.05.2022, registered for the
offences punishable under Sections 302, 34 and 498(A) of the
Indian Penal Code.

3. Earlier the petitioner has moved before this
Hon'ble Court in Cr. Misc. No. 53565, which was rejected vide
order dated 24.03.2023.

4. According to the prosecution case, the informant's
daughter was married with one Amrit Sahani and her mother-in-
law and other relatives were forcing her to establish physical



relationship with other man and after her refusal to do so, she was regularly tortured by her in-laws. It is further alleged that on 15.05.2022, informant received a phone call from Chandpura Police Station informing that her daughter got murdered.

5. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case and the allegation levelled in the FIR is false and fabricated, in fact, the deceased has committed suicide herself. He lastly submits that the police after investigation has submitted chargesheet and the petitioner is in custody since 19.05.2022.

6. Vide order dated 01.03.2024 a report was called for with regard to the stage of the trial and report dated 12.03.2024 of the learned trial Court reveals that out of eleven chargesheeted witnesses, only two have been examined.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 19.05.2022.

8. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the petitioner.



9. Considering the aforesaid facts and circumstances and the facts that the petitioner has clean antecedent, his period of custody and the report of the learned trial Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate-IX, Vaishali at Hajipur, in connection with **Desari (Chandpura OP) PS Case No. 205 of 2022**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(ii). 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.

(iii). And further condition that the trial Court 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 trial Court 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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