

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25311 of 2024

Arising Out of PS. Case No.-195 Year-2020 Thana- CHARPOKHARI District- Bhojpur

Dheeraj Sah @ Dheeraj Shah @ Dhiraj Sah S/O Suresh Sah @ Digri Sah R/O
Village- Kaiyal (KOYAL), P.S- Charpokhari, Distt.- Bhojpur.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar, Advocate

For the Opposite Party/s : Mr.Pramod Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 17-05-2024 Heard Mr.Diwakar, learned counsel for the petitioner
and Mr.Pramod Kumar Pandey, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
03.12.2020 in connection with Charpokhari P.S. Case No. 195
of 2020, F.I.R. dated 08.11.2020 registered for the offence
punishable under Sections 304(B),201 and 34 of IPC.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 25.02.2023 passed in Cr. Misc.
No.51335 of 2022. Thereafter the petitioner has again move
before this Court in Cr. Misc. No.83772 of 2023 and the same
was permitted to be dismissed as withdrawn vide order dated
05.01.2024 with liberty to file a fresh application before the
learned court below.

4. Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and he has falsely been implicated in the present case merely on the ground that the petitioner is husband of the deceased. Although there is specific allegation against the petitioner that he pressed the neck of the deceased and cremating the dead body of the deceased without informing the family members of the deceased. Further submits that the charge against the petitioner has already been framed on 16.07.2021 and summons and warrants has been issued against the prosecution witnesses but no prosecution witness has been examined as yet.

5. Vide order dated 27.03.2024, a report was called for with regard to the present status of the Trial. Report of the learned Trial Court dated 04.04.2024 reveals that the case is fixed for prosecution witnesses and out of seven chargesheet witnesses, no any prosecution witness has been examined as yet.

6. Learned counsel for the petitioner referring the report of the learned Trial Court and submits that in view of the aforesaid report there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 03.12.2020.

7. Learned APP for the State has opposed the prayer for bail of the petitioner.



8. Considering the aforesaid facts, report of the learned trial court and the period of custody, let the petitioner, above named, 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 Additional District and Sessions Judge-XIII, Bhojpur at Ara in connection with Charpokhari P.S. Case No. 195 of 2020, with the following conditions:-

(I) 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 cancelled by the Court below.

(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 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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