

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40845 of 2024

Arising Out of PS. Case No.-22 Year-2022 Thana- SITAMARHI District- Sitamarhi

Abhijit Singh @ Aashu @ Aanshu Son Of Anil Kumar Singh Village- Jagdish Barahi, Ps- Purnahiya, Dist- Sheohar (AS Per Fir) P/A- Village- Physical Gali, Ward No. 28, Kalawati Jiyalal Clinic, Ps- Sitamarhi, Dist- Sitamrahi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Madhubala Verma, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 23-08-2024 Heard learned counsel for the petitioner and learned A.P.P. for the State.

2. In the present case, the petitioner seeks bail in connection with Sitamarhi P.S. Case No. 22 of 2022, registered for the offences under Sections 302, 304(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner shot dead the daughter of the informant on orders of his parents on account of their dowry demand. The deceased was married with the brother of the petitioner.

4. Learned counsel appearing on behalf of the petitioner submits that this is the second attempt of the petitioner to seek bail. Petitioner is in custody since 11.01.2022

and the trial has not been concluded till date. Learned counsel further submits that the petitioner was not present in his house at the time of occurrence and he was arrested from his house. The deposition of the informant has been recorded and he did not support the prosecution case which was instituted on the basis of written report given by the petitioner. The informant as P.W.-12 has stated that some unknown person entered into the house of her deceased daughter and fired upon her and she died during her treatment at a nursing home. Learned counsel further submits that this is a new factor in the case and the informant claimed himself to be the eye witness. Petitioner is having no criminal antecedent.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner and submits that there is specific allegation against the petitioner that he fired upon the daughter of the informant and therefore prayer of the petitioner was earlier rejected by a Co-ordinate Bench.

6. Having regard to the fact and circumstances and submission made on behalf of the parties and considering the deposition of the informant absolving the petitioner, the petitioner is directed to be released on bail, on furnishing bail bonds of Rs.10,000/- (Rupees Ten Thousand Only) each with

two sureties of the like amount each to the satisfaction of learned 14th Additional Sessions Judge, Sitamarhi/concerned court, in connection with Sitamarhi P.S. Case No. 22 of 2022, subject to the condition laid down under Section 437(3) of the code of Criminal Procedure and other following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the below, if so required by the learned trial court.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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