

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50739 of 2024

Arising Out of PS. Case No.-222 Year-2022 Thana- CHIRAIYA District- East Champaran

Md. Rahim Sai @ Abdul Rahim @ Rahim Sai Son of Rashid Sai @ Abdul
Rasid Sai R/O Vill.- Mirpur Chiraiya, P.S.- , Dist.- East Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarvesh Kashyap, Advocate

For the Opposite Party/s : Mr.Dr.Mrityunjaya Kr.Gautam,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 13-09-2024 Heard Mr.Sarvesh Kashyap, learned counsel for the
petitioner and Mr.Dr.Mrityunjaya Kr.Gautam,learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
27.05.2022 in connection with Chiraiya P.S. Case No. 222 of
2022, F.I.R. dated 11.05.2022 registered for the offence
punishable under Sections 302,304(B),498(A),120(B) of IPC.

3. Earlier the prayer for bail of the petitioner was
twice rejected vide order dated 03.04.2023 passed in
Cr.Misc.Nos.60891 of 2022 and thereafter the petitioner has
again moved for bail vide Cr.Misc.No.18067 of 2024 which was
dismissed as withdrawn on 13.03.2024 with liberty to the
petitioner 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 and the petitioner has been made accused in the present case only on the ground that the petitioner is husband of the deceased in fact the deceased has committed suicide herself and now the trial has begun. The examination of P.W.1, namely, Md. Allaudin, who is brother of informant, has been conducted by the learned Trial Court on 27.06.2023, he has categorically stated that in his deposition that when he and other family members went to the house of petitioner then it was found that the gate of the house of the petitioner was closed and after the police party came the gate of the house of the petitioner was opened by the police and then the dead body of the deceased was found in the house of the petitioner. Learned counsel for the petitioner submits that in view of the aforesaid, it transpired that the deceased has committed suicide herself and even no one is the eye witness of the alleged occurrence.

5. Vide order dated 20.07.2024, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 12.08.2024 reveals that out of ten chargesheet witnesses, four witnesses have been examined as



yet and P.W.1 and other witnesses have not supported the case of the prosecution and petitioner is in 27.05.2022 more than two years.

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

7. Considering the aforesaid fact, 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 Sessions Judge- IXX, East Champaran at Motihari in connection with Chiraiya P.S. Case No. 222 of 2022, 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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