

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53750 of 2024

Arising Out of PS. Case No.-832 Year-2023 Thana- KHAGARIA District- Khagaria

Suman Kumar son of Dinesh Kumar Singh Village- Hardash Chak W.No- 37,
Ps- Muffasil Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Amar Kumar Singh, Adv.
For the Opposite Party/s :	Mr. Dilip Kumar No.1, APP.
	Mr. Md. Irshad, Adv.

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

- 5 06-12-2024 Heard Mr. Amar Kumar Singh, learned counsel for the petitioner, Mr. Dilip Kumar No.1, learned A.P.P. for the State and Mr. Md. Irshad, learned counsel for the informant.
2. The petitioner seeks bail in connection with a case registered for the offence punishable u/s 302, 201/34 of IPC.
3. All the F.I.R. named accused persons including this petitioner, who is husband of the informant's daughter, on non-fulfillment of demand of dowry, in furtherance of the common intention are said to have committed murder of the daughter of the informant after assaulting.
4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. All the allegations levelled against the petitioner are false and based



on concocted facts. During the course of investigation, nothing has been recovered by the police on the basis of confessional statement. No independent witness has been examined during trial. There is no positive evidence against the petitioner. He has been made accused in the present case merely on the basis of suspicion. It is clearly mentioned in the Forensic Examination Report that no any clue regarding dead body of the deceased was found at the place of occurrence, hence no opinion can be given at this stage. Learned counsel further submits that charge has already been framed against the petitioner. He has no criminal antecedent and he has been languishing in custody since 17.08.2023.

5. Learned APP for the State as well as learned counsel for the informant opposes the prayer for bail.

6. Considering the facts and circumstances of the case, the period of custody and the fact that charge has already been framed against the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with Khagaria (Muffasil) P.S. Case No. 832 of 2023, subject to the further conditions that

(1) One of the bailors will be own close relative of the



petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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