

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51858 of 2024

Arising Out of PS. Case No.-15 Year-2023 Thana- TARAIYA District- Saran

Pappu Rai Son Of Sheo Pujan Rai Resident Of Village - Bagahi, P.S. -
Taraiya, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Mili Kumari, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2024 Heard Ms. Mili Kumari, learned counsel for the
petitioner and Mr. Rajesh Kumar, learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since
19.07.2023, in connection with S. Tr. No. 213 of 2024 arising
out of Taraiya P.S. Case No. 15 of 2023, FIR dated 14.01.2023
registered for the offence under Sections 341, 323, 304(B) and
34 of the Indian Penal Code.

3. Petitioner and other co-accused persons is said to
have killed the sister of the informant on non-fulfillment of the
demand of dowry.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and he has falsely been implicated in this case merely
on the ground that the petitioner is husband of the deceased. He



further submits that the informant is not the eye witness of the alleged occurrence. He further submits that from a bare perusal of the FIR it appears that there is no specific allegation of any assault or over act or demand of dowry attributed against the petitioner rather general and omnibus allegation against all the accused persons including the petitioner. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 19.07.2023 more than one year.

5. Vide order dated 30.07.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 14.08.2024 reveals that charge has been framed against the petitioner but till date prosecution has not examined any witness as yet.

6. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

7. Considering the aforesaid facts as well as report of the learned trial Court, let the, above named, petitioner 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, 13th Saran, Chapra in connection with Taraiya P.S. Case No. 15



of 2023 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 canceled 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.

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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