

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62540 of 2024

Arising Out of PS. Case No.-730 Year-2020 Thana- BIHAR District- Nalanda

Binod Kumar @ Binod Kumar Sao, son of Laxmi Narayan Sao @
Laxmichand Sao, R/o Mohalla-Khandakper PS- Bihar Sharif Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Pallavi Pandey, Adv.

Mr. Madan Mohan, Adv.

For the Opposite Party/s : Mr. Mohammad Sufyan, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 20-11-2024 Heard learned Advocate for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Bihar P.S. Case No. 730 of 2020 registered
for the offence punishable under Section 302/34 of the Indian
Penal Code.

3. The prosecution case is based upon the *fardbeyan*
of the informant, alleging therein that on 04.11.2020, the
informant received information that his daughter was done to
death by the accused persons in her matrimonial home. On
receipt of such information, the informant rushed to the
matrimonial home of his daughter where he found the dead
body of his daughter was lying and the blood was oozing out



from her head. There were other injuries mark over her dead body. The accused persons also fled away from the place of occurrence.

4. Learned Advocate for the petitioner contended that admittedly the marriage was solemnized in the year 2007 and the alleged occurrence is said to have been taken place in the year 2020. There is neither any eyewitness to the alleged occurrence nor specific allegation has been levelled against the petitioner rather the allegation revolved around all the accused persons of causing death to the daughter of the informant. It is further contended that on the alleged date of occurrence, in fact, while the deceased was coming down from the stair, she tripped on her own *saree* and fell down from the stair causing grievous hurt on her head and she ultimately succumbed to her injuries. It is lastly contended that now the petitioner has been incarcerated since 05.11.2020 having fair antecedent and till date only three witnesses have been examined.

5. On the other hand, learned APP for the State vehemently opposed the bail application and submitted that the petitioner happens to be husband of the deceased and the occurrence took place in the matrimonial home and, as such, it is the petitioner who has to explain as to how such incident took



place. It is further contended that during the course of investigation and the trial, the witnesses have supported the prosecution case. Moreover, the postmortem report clearly suggests that the deceased was subjected to assault and the injuries have been caused over the different parts of the body, which ultimately proved fatal.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody of more than four years and the fact that there is no likelihood of the conclusion of trial in near future, coupled with the fact that the allegation levelled in the FIR, which is omnibus in nature, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Nalanda in connection with Bihar P.S. Case No. 730 of 2020, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.



(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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