

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58200 of 2024

Arising Out of PS. Case No.-212 Year-2021 Thana- ARARIA District- Araria

Md. Asim @ Md. Asif @ Asim @ Asif son of Md. Asfaque Alam @ Md. Asfarul, R/o village- Gaiyari, Ward No. 6, PS- Araria, Dist- Araria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Nafisuz Zoha, Advocate
For the Opposite Party : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-09-2024 Heard Mr. Nafisuz Zoha, the learned counsel for the petitioner and Mr. Uday Pratap Singh, the learned Additional Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since 29.07.2021, in connection with STR No. 01 of 2022, arising out of Araria P.S. Case No. 212 of 2021, FIR dated 03.03.2021, registered for the offences punishable under Sections 326 and 304(B) read with Section 34 of the Indian Penal Code.

3. Earlier the petitioner has moved before this Hon'ble Court in Cr. Misc. No. 64925 of 2022, which was dismissed vide order dated 05.04.2023.

4. According to the prosecution case, the sister of informant was subjected to mental and physical torture by her in-laws over non-fulfillment of dowry demand. It is further



alleged that the informant received information that his sister sustained a fire injury and she is receiving treatment at hospital, who later succumbed to burn injuries and the informant suspects that his sister has been murdered by her in-laws by setting her on fire.

5. Vide order dated 09.08.2024, a report was called for with regard to the stage of the trial and report dated 23.08.2024 of the learned trial Court reveals that out of eight chargesheeted witnesses, only three witnesses have been examined as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 29.07.2021.

7. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner.

8. Considering the facts and circumstances of the case, the report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in



connection with **Araria P.S. Case No. 212 of 2021**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(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 learned trial Court 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 learned trial Court 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)

Shahnawaz/-

U		T	
---	--	---	--

