

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81558 of 2023

Arising Out of PS. Case No.-692 Year-2022 Thana- FORBESGANJ District- Araria

Shahnawaz @ Md. Sahnawaj Son Of Saukat Ali @ Md. Saukat R/O Mohalla-
Kadri Tola, Ward No. 16, Forbesganj, P.S.- Forbisganj And Dist.- Araria
... .. Petitioner/s

Versus

The State of Bihar PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aryan Singh
For the Opposite Party/s : Mr.Nand Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 02-02-2024 Earlier vide order dated 04.04.2023 regular bail of the petitioner was rejected in Cr. Misc. No. 70302 of 2022 by this Court with a direction to trial Court to conclude the trial expeditiously. Again the petitioner has prayed for regular bail in this case registered for the offence punishable under sections 302, 34 of the Indian Penal Code.

As per FIR, it is a case of dowry death due to non-fulfillment of dowry demand and the petitioner is alleged to be husband of the deceased.

Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. The petitioner is husband of the deceased and he has falsely been implicated in this case due to family dispute. The informant is not an eye witness of the alleged occurrence. It is further submitted that the petitioner has got no criminal antecedent. Moreover, he is



languishing in judicial custody since 04.07.2022.

Learned APP appearing for the state has opposed the prayer of regular bail.

In pursuance to the direction of this Court, a report in this case was received which is kept at Flag “A” from which it appears that out of five charge-sheeted witnesses, not a single witness has been examined up till now. Learned counsel for the petitioner also submitted that there is no hope to conclude the trial in near future rather the petitioner is languishing in judicial custody since 04.07.2022.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case as well as judicial custody, the Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail in connection with Forbesganj P.S. Case No. 692 of 2022 on furnishing bail bond of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-II, Araria. Subject to following conditions.

(I) the petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reason, his bail bond



shall be cancelled by the Court below.

(ii) if the petitioner tampers with the evidence or threatens the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Sunil Kumar Panwar, J)

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