

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4940 of 2024

Arising Out of PS. Case No.-736 Year-2021 Thana- AHIYAPUR District- Muzaffarpur

SURAJ SAH @ SURAJ KUMAR S/O CHHATTU SAH R/O VILLAGE-
MADHUBAN MALANG CHOUK, P.S- MADHUBAN, DISTT.- EAST
CHAMPARAN. AT PRESENT ANAND VIHAR COLONY AHIYAPUR,
P.S- AHIYAPUR, DISTT.- MUZAFFARPUR.

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiv Kumar

For the Opposite Party/s : Mr.Satyendra Narayan Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

5 12-07-2024 Heard learned counsel for the petitioner and

learned A.P.P. for the State.

2. The petitioner seeks bail in connection with

Ahiyapur P.S. Case No. 736 of 2021 registered for the

offences punishable under Sections 304(B)/34 of the IPC.

3. As per prosecution case, petitioner and others

are said to have killed the informant's daughter for non

fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that

bail of the present petitioner has been rejected on merit vide

Cr. Misc. No. 33409 of 2022 with a direction that if there is

no substantial progress in trial within nine months from the



date of receipt of the order, the petitioner may renew his prayer for bail. Learned counsel submits that he has filed the present bail petition after eleven months from the date of rejection of his previous bail prayer. He further submits that delay of trial is not in any way attributed to the petitioner as petitioner is in custody since 27.10.2021. He further submits that petitioner is innocent and has committed no offence as alleged in the FIR and being husband of the deceased petitioner has falsely been implicated in this case. No specific allegation has been levelled against the petitioner rather the same is general and omnibus in nature.

5. Learned APP for the State vehemently opposes the prayer for bail of the petitioner and submits that there is allegation of torturing and assaulting against the petitioner and finally informant's daughter has been killed and postmortem report also quite evident in this regard. In para 21 of the case diary, witness namely Kanchan Kumari has also asserted the fact of assault prior to the occurrence. He further submits that bail of the present petitioner has been



rejected on merit and hence, he does not deserve bail.

6. A report regarding stage of trial has been sought by this court and in pursuance of the said direction, the trial court vide letter no. 478 of 2024 dated 12.06.2024 has sent its report which reveals that out of seven prosecution witnesses, four witnesses have been examined as yet and three prosecution witnesses are yet to be examined.

7. Considering the facts and circumstances of the case, period of custody which is more than two years and eight months, trial is not concluded as yet and delay of trial is not in any way attributed to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Muzaffarpur in connection with Ahiyapur P.S. Case No. 736 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or



mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence on a single date without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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