

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.967 of 2024

Arising Out of PS. Case No.-158 Year-2021 Thana- MANJHI District- Saran

Pappu Kumar Sharma @ Pappu Sharma S/o - Bhrigunath Sharma R/o Vill.-
Baraki Maripur,P.S.- Manjhi,Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bhaskar Shankar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 09-02-2024 Heard the parties.

2. The petitioner is in custody in connection with Manjhi P.S. Case No. 158 of 2021 for the offence under sections 304(B), 120(B) of the Indian Penal Code lodged on 25.05.2021 by the informant, Kangress Sharma.

3. As per the prosecution story, the informant alleged that he had married his daughter (deceased) to the petitioner herein. However, she was being tortured for non-fulfillment of the demand of a bullet motorcycle beside cash of Rs. 1,00,000/-.

4. Earlier the case of the petitioner was heard and rejected on 11.05.2022 in Cr. Misc. No. 59245 of 2021.

5. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 10 dated 18.01.2024. This Court would



like to incorporate the report sent by the learned ADJ VII, Saran
which read as follows:

“Respectfully with reference to the above mentioned subject this is to submit that vide order dated 12.01.2024 passed in Cr. Misc. No. 967 of 2024, the Hon’ble Court has been pleased to call for the present stage of Trial arising out of Manjhi P.S. Case No. 158/2021. In Sessions Trial No. 401/2021, arising out of Manjhi P.S. Case No. 158/2021 the charge was framed on 29.04.2022 and eight witnesses have been examined on behalf of prosecution. The prosecution evidence was closed on 28.11.2022 and the statement of accused u/s 313 Cr.P.C. was recorded on 09.12.2022. The record is fixed for evidence on part of defence since 12.12.2022. The defence was produced two witnesses and again filed a petition with prayer to examine four more witnesses on their part which was allowed vide order dated 16.10.2023 and was given opportunity of four dates to adduce the witnesses. However again a petition was filed for issuance of Dasti Summons to the witnesses which



was rejected vide order dated 01.11.2023 against which a Revision has been preferred. The accused is in custody but the defence is seeking adjournment for obtaining order from the Hon'ble Court and presently the record is fixed for defence evidence in which the next date is 30.01.2024.

It is therefore requested to kindly place the present stage of Sessions Trial No. 401/2021 before the Hon'ble Court for reference in Cr. Misc. No. 967 of 2024."

6. From the aforesaid facts, it is clear that since 2022, the defence is filing petition after petition to delay the trial.

7. Learned counsel for the petitioner submits that he has already remained in custody since 26.05.2021 (as stated in paragraph 11 of the petition) and his further contention that after her uterus operation on 20.05.2021, she committed suicide in the hospital itself, he has already suffered having lost his wife and will be diligently appearing in trial, if released on bail.

8. Learned APP opposes the prayer for bail.

9. Considering the submissions put forward by the parties as also that there is no sight of conclusion of trial in recent future, the petitioner do not have criminal antecedent, is



in custody since 26.05.2021 and will be diligently appearing in trial as undertaken by the learned counsel for the petitioner, this Court is inclined to extend him the privilege of bail with conditions.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-VIII, Saran at Chapra, in connection with Manjhi P.S. Case No. 158 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for
cancellation of the bail bonds;

(v) the petitioner shall desist from committing any
criminal offence again, failing which the State shall be at liberty
to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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