

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63829 of 2022

Arising Out of PS. Case No.-161 Year-2020 Thana- NARPATGANJ District- Araria

Md Kayim S/O Md. Saimul Safi R/O Village- Barhara, Ward No- 08, P.S-
Narpatganj, Dist- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

11 21-02-2025 Heard Mr. Ramesh Kumar Singh, learned counsel
for the petitioner and Mr. Bhanu Pratap Singh, learned A.P.P. for
the State.

2. The petitioner seeks bail, who is in custody since
02.06.2021, in connection with Narpatganj P.S. Case No. 161 of
2020 corresponding to S.T. No. 226/2022, FIR dated 14.04.2020
registered for the offence under Sections 304(B)/34 of the
Indian Penal Code.

3. As per the prosecution case, all the FIR named
accused persons in connivance and collusion with each other
have killed the daughter of the informant for non-fulfillment of
the demand of dowry.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is



innocent and he has falsely been implicated in this case. He further submits that the allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and he has been made accused in the present case merely on the ground that the petitioner is husband of the deceased. He further submits that in fact the deceased has died her nature death and the informant who is father of the deceased has lodged the present false case against the petitioner.

5. Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that from a bare perusal of the FIR it appears that there is direct and specific allegation against the petitioner that he has committed the crime in question.

6. Vide order dated 23.08.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 03.09.2024 reveals that after framing of charge only three witnesses have been examined out of seven charge-sheeted witnesses.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 02.06.2021 more than three and a



half year. He has produced the deposition of three witnesses which was deposed in the aforesaid trial which suggests that the informant has not supported the case of the prosecution.

8. Considering the aforesaid facts, report of the learned trial Court as well as period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Araria in connection with Narpatganj P.S. Case No. 161 of 2020 corresponding to S.T. No. 226/2022 with the following conditions:-

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

(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.

And, further condition that the court below 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 court below 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)

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