

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82156 of 2024

Arising Out of PS. Case No.-196 Year-2022 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Balmiki Sahani @ Balmiki Kumar S/O Arun Sahni R/O Vill.- Manjhaul,P.S-
Cheria , Bariyarpur, Dist- Brgusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Randhir Kumar No 1, Advocate

For the Opposite Party/s : Mr. Dilip Kr. No. 1, APP

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 23-01-2025 Heard learned counsel for the petitioner and Mr. Dilip Kr.

No. 1, learned A.P.P. for the State.

2. The petitioner seeks bail in connection with a case registered for the offence punishable u/s 498(A), 326(A), 304(B) and 34 of IPC and Section 3 and 4 of D.P. Act.

3. The prosecution case is that as per informant, the marriage of his sister was solemnized with the petitioner on 02.05.2022. After marriage, the husband of his sister demanded dowry and on 28.07.2022, in the night, petitioner along with other persons had beaten his sister, poured acid on her whole body and feed acid in her mouth due to which she got completely injured and died during the course of treatment.

4. It is submitted by learned counsel for the petitioner that petitioner is quite innocent and has not committed any offence as alleged in the FIR. No offence as alleged has ever taken place. He



has been falsely implicated in this case. Petitioner is the husband of the deceased. No specific overt act has been attributed against the petitioner. The petitioner has no criminal antecedent and he is under custody since 05.08.2022.

5. This is second attempt of the petitioner for grant of regular bail. Earlier, the petitioner had filed Cr. Misc. No. 31111 of 2023 which was rejected vide order dated 31.01.2024 by a Co-ordinate Bench of this Court.

6. Vide order dated 20.12.2024, a report was called for, regarding the stage of trial. In compliance thereof, a report sent by learned District and Additional Sessions Judge, Manjhaul, Begusarai dated 04.01.2025 is kept at flag 'A', whereby it is submitted that the trial of this case will likely to be concluded within eight months, if both the parties co-operate.

7. Learned APP for the State opposed the prayer for bail.

8. Considering the facts and circumstances of this case and period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned court below where the case is pending/the Successor Court, in connection with S.T. No. 618 of 2023 arising out of Cheria Bariyarpur P.S. Case No. 196 of 2022 with the following conditions:-



(1) One of the bailors will be own close relative of the petitioner who will give on affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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