

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.14808 of 2016

Arising Out of PS.Case No. -166 Year- 2014 Thana -DUMRA District- SITAMARHI

=====

Himanshu Tiwari son of Sri Shyam Jee Tiwari @ Shyam Tiwary, resident
of village - Kumhara Bisanpur, P.S. Dumra, Distt. - Sitamarhi

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Vaidehi Raman Prasad Singh, Advocate

For the Opposite Party/s : Mr. Uma Shankar Pd.Singh, APP

=====

CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-05-2016

Heard the parties.

The prayer for bail made on behalf of the petitioner with respect to a criminal prosecution registered under Section 304B of the Indian Penal Code was earlier rejected by this Court by order dated 25.05.2015 passed in Cr.Misc.No. 47539 of 2014 vide Annexure-1 on the ground that the petitioner happens to be the husband of the deceased. However, while rejecting the prayer for bail by the aforesaid order dated 25.05.2015, it was observed that if the trial of the petitioner is not concluded within a period of nine months from the date of framing of charge, then the petitioner shall be at liberty to renew his prayer for bail.

By order dated 13.04.2016, a report about status of the trial was called for, which is available on the record. From perusal of the report it appears that despite direction of this Court, the trial of the petitioner is yet to be concluded.

The learned counsel appearing on behalf of the petitioner submits that the charge against the petitioner was framed on 09.06.2015 and during the course of trial, none of the prosecution witnesses have supported the prosecution version

including the informant and father of the deceased. In support of his above contention, a supplementary affidavit has been filed on behalf of the petitioner annexing the depositions of the informant and that of the father of the deceased as Annexure-3 series.

The learned Addl.P.P., appearing on behalf of the State though, has opposed the prayer for bail, but has not controverted the aforesaid submissions.

In above view of the matter, let the above named petitioner be released 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 Additional Sessions Judge II, Sitamarhi in connection with Sessions Trial No. 557 of 2014 arising out of Dumra P.S.Case No. 166 of 2014, subject to the following conditions that:

- (a) both the bailors shall be government servants.
- (b) the petitioner shall appear in person before the trial court on each and every date fixed by the court for examination of the remaining witnesses and, in case, he fails to appear without any valid reason, the trial court shall be at liberty to cancel the bail bonds of the petitioner.

(Birendra Prasad Verma, J)

Tahir/-

U		T	
---	--	---	--