

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.48309 of 2015

Arising Out of PS.Case No. -281 Year- 2007 Thana –BHAGALPUR

KOTWALI District- BHAGALPUR

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Dr. Raj Kumar Ghoshal @ Bhushan @ Raj Kr. Ghoshal @ Raj Kr. Bhushan
@ Ghoshal son of Ajay Kr. Ghoshal resident of Mohalla - Tilkamanjhi,
Police Station - Tilkamanjhi, District - Bhagalpur. Petitioner

Versus

The State of Bihar. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Vindhya Keshari Kumar, Sr. Advocate
Mr. Ajay Mukherjee, Advocate

For the Opposite Party/s : Mr. S.N.Shukla(APP)

For the informant : Mr. B.Nr.Mishra, Advocate

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CORAM: HONOURABLE MR. JUSTICE SAMARENDRA PRATAP SINGH
ORAL ORDER

3 02-03-2016 Heard learned counsel for the parties.

Before I consider the case of the petitioner for grant of
bail, it would be necessary to notice the short facts of the case
which are as follows:-

The petitioner moved regular bail petition bearing
Cr.Misc.No.8900 of 2009 which was rejected on 16.6.2009 with
liberty to the petitioner to renew his prayer for bail after six
months. The petitioner as such filed Cr.Misc.No.46233 of 2009
after six months, which was disposed of on 13.1.2010 allowing
the petitioner regular bail. In course of time, the petitioner along
with others were subsequently convicted by the trial court on
9.4.2015 in Sessions Trial No. 14 of 2008/637 of 2008. Being
aggrieved, the petitioner and others filed Cr.Appeal Nos.

230,232,243,275 and 277 of 2015. This Court after hearing the parties set aside the order of the trial court and remitted matter to the lower court to proceed afresh in accordance with law, in terms of observations made therein. Consequent to the order of this Court, the petitioner was again taken into custody.

Learned counsel for the petitioner submits that on account of remand of the matter to the trial court, earlier position of the pre-trial has been restored, wherein the petitioner was already on bail.

Learned counsel for the informant opposes the prayer for bail and submits that the petitioner is the husband who along with others killed his wife for non-fulfilment of dowry. He further submits that if he is freed on bail, he would not co-operate in the trial.

Having heard the parties and considering the facts and circumstances of the case as well as the fact that the petitioner was already on bail during trial, let him (Dr. Raj Kumar Ghoshal @ Bhushan @ Raj Kr. Ghoshal @ Raj Kr. Bhushan @ Ghoshal) be released on bail on furnishing bail bond of Rs.5,000/- with two sureties of the like amount each to the 4th Addl. Sessions Judge, Bhagalpur in Sessions Trial No. 14 of 2008/637 of 2008, arising out of Kotwali (Tilkamanjhi) Police

station Case No. 281 of 2007.

The petitioner would not physically absent for two consecutive dates at a stretch, till two witnesses are examined in the trial, failing which his bail bond would be cancelled.

It is expected that the trial court would expedite the trial.

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(Samarendra Pratap Singh, J)