

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.7751 of 2017

Arising Out of PS.Case No. -27 Year- 2014 Thana -AUGARI District- NALANDA
(BIHARSHARIFF)

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Ajay Kumar, Son of Kishori Prasad, Resident of Village- Rasalpur, Police
Station- Aungari, District- Nalanda.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ajay Mukherjee

For the Opposite Party/s : Mr. Sri Mustaque Alam

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 10-05-2017

The petitioner being husband of the niece of the informant has renewed his prayer for bail in a case registered for the offences punishable under Sections 498A, 304B, 201 of the Indian Penal Code.

The prosecution case is that the niece of the informant, Nisha Kumari, was married with the petitioner on 09.07.2011 but she was being tortured and killed on 10.03.2014 due to non-fulfilment of dowry demand. It is also alleged that information of the death was not given to the informant's family.

It is submitted by learned counsel for the petitioner that petitioner is languishing in custody since 04.08.2015. The victim was mentally abraded, hence, she committed suicide and the accusation of demand of dowry after three years of marriage appears to be unreasonable. It is further submitted that during investigation, it appears that petitioner



talked with the victim's family on the alleged date of occurrence. Moreover, there is no likelihood of the trial being concluded in near future as out of 14 charge-sheet witnesses, only 4 witnesses have been examined. It is also submitted that earlier prayer for bail of the petitioner was rejected, vide order dated 22.01.2016, passed in Cr. Misc. No. 55910 of 2015, with liberty to the petitioner to renew his prayer for bail, if the trial would not be concluded within a period of one year and now about one and half years have passed since the earlier order has been passed.

Considering the fact that there is no likelihood of trial being concluded in near future, let the petitioner, above named, 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 1st Additional Sessions Judge, Hilsa, Nalanda, in connection with Sessions Trial No. 134 of 2016, arising out of Aungari P.S. Case No. 27 of 2014.

Learned Court below will be at liberty to cancel the bail bonds of the petitioner, if the petitioner defaults for three consecutive occasions during trial.

(Dinesh Kumar Singh, J)

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