

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16406 of 2017

Arising Out of PS.Case No. -190 Year- 2015 Thana -PATRAKARNAGAR District- PATNA

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Ashutosh Kumar @ Babu @ Ashutosh Kumar, Son of Late Ramadhar Sharma, resident of L.I.G. Flat No. 144 Hanuman Nagar (Kankarbagh), P.S. Patrakar Nagar, District- Patna.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak

For the Opposite Party/s : Mr. Sri Ajit Kumar

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

03/ 21.06.2017

This matter has been listed for hearing out of turn on the slip filed by the petitioner.

Heard learned counsels for the petitioner and Mr. J.N. Thakur for the State.

The petitioner being the husband of the victim has renewed the prayer for bail in a case registered for the offences punishable under Section 341, 323, 498A of the Indian Penal Code. Subsequently, Section 304B IPC was also added.

The prosecution case was set in motion on the written report of Sahjanand Kumar, dated 24.06.2015, alleging therein that his sister Nirmala Devi was married with the petitioner in 2012 but subsequent to the marriage the victim was assaulted by



the petitioner for non-fulfillment of further demand of dowry. On 20.04.2015, the petitioner brutally assaulted the sister of the informant when she was admitted in Budha Hospital, Hanuman Nagar and thereafter she was admitted in Tara Nursing Home on 26.05.2015 due to injury in brain and she was discharged from the hospital on 30.06.2015. But subsequent to discharge from the hospital she was again assaulted, as a result, she died on 29.07.2015. On the basis of aforesaid accusation Patrakar Nagar P.S. Case No. 190 of 2015 was registered under Sections 341, 323, 498A of the Indian Penal Code. Subsequently, section 304B IPC was also added.

It is submitted by learned counsel for the petitioner that the victim was given medical assistance at the behest of the petitioner and after being discharged from the hospital she died on 29.07.2015 at her parent's house. The post-mortem report suggests that she died due to the infection in brain and its complication. The earlier bail application of the petitioner was rejected, vide order dated 22.06.2016, passed in Cr. Misc. No. 18710 of 2016 with liberty to the petitioner to renew his prayer for bail if the trial is not concluded within a period of nine months. A statement has been made in paragraph 3 of the petition that the petitioner has no criminal antecedent.



This Court, vide order dated 03.05.2017, called for a report from learned trial court. The report of the learned trial court, dated 15.05.2017, reflects that the charges have still not been framed. Hence, there is no likelihood of the trial being concluded in near future.

Considering the fact that the trial has virtually not commenced as yet, the victim died at her parent's house and the liberty was given to the petitioner earlier to renew the prayer for bail if the trial is not concluded within nine months, let the above named petitioner, be released on bail on furnishing bail bonds of Rs.10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Patna in connection with Sessions Trial No. 203 of 2017, arising out of Patrakar Nagar P.S. Case No. 190 of 2015.

The learned trial court will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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