

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.17150 of 2017

Arising Out of PS. Case No.-132 Year-2016 Thana- SUPAUL District- Supaul

=====

Kumar Ujjwal Son of Upendra Prasad Gupta @ Upendra Gupta, Resident of
Hatkhol Road, Ward No.- 10, P.S.and District- Supaul.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Parmeshwar Mehta

For the Opposite Party/s : Mr. SRI CHAUBEY JAWAHAR

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 11-10-2017 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered for the offences punishable under Sections 323,302,304 and 498A of the IPC.

The basic accusation is of torture and killing the sister of the informant after nine years of marriage and birth of three children.

It is submitted by learned counsel for the petitioner that there is no eye witness to the occurrence . Moreover, the victim was provided with medical assistance. Though the children of the victim, during investigation, supported the accusation but one of the sons of the victim, namely, Anshu Kumar who has been examined as P.W. 3, has not supported the prosecution case and has been declared hostile. P.W. 1 Pankaj Kumar and P.W. 2



Md. Ayub being the tenants in the same premises, have also not supported the prosecution case. The doctor P.W. 4 has also not opined the actual cause of death since the FSL report has not been brought on record till date.

The report of the learned Additional Sessions Judge-II, Supaul dated 10th July, 2017 reflects that only four witnesses have been examined and the informant has not been examined.

Learned APP, however, submits that the petitioner is the husband of the victim and thrust of accusation is against him.

Considering the fact that the prosecution witness, particularly, one of the children of the victim has not supported the prosecution case and the fact that the informant has chosen not to get himself examined, the petitioner is languishing in custody since more than one and half years and there is no likelihood of the conclusion of trial 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 the learned Additional Sessions Judge II, Supaul in connection with S.T. No. 162 of 2016 arising out of Supaul P.S. Case No. 132 of 2016.

The learned court below will be at liberty to cancel the bail bonds of the petitioner in case he defaults on two consecutive



occasions.

(Dinesh Kumar Singh, J)

anil/-

U			
---	--	--	--

