

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.23763 of 2017**

Arising Out of PS.Case No. -161 Year- 2015 Thana -SANDESH District- BHOJPUR

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Gautam Kumar @ Gautam Singh, Son of Gopaljee Rai, Resident of  
Village- Fulari, P.S. Sandesh, District- Bhojpur.

.... .... Petitioner/s

Versus

The State of Bihar.

.... .... Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Sri Ashok Kumar Singh

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**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR  
SINGH**

**ORAL ORDER**

04/ 28-03-2018

Heard learned counsel for the petitioner and

learned APP for the State.

The petitioner being the husband of the daughter of the informant has renewed the prayer for bail in a case registered for the offences punishable under Sections 341, 323, 307, 498A of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act. Subsequently, section 304B IPC was also added.

The basic accusation is of killing the daughter of the informant within three years of marriage by causing burn injury for non-fulfillment of dowry demands.

It is submitted by learned counsel for the petitioner that the victim received accidental burn injury while



cooking. For the incident of 29.09.2015 the fard-beyan of the informant was recorded in a private hospital on 30.09.2015 at 1.30 P.M but ultimately the FIR was registered on 07.10.2015. It is further submitted by learned counsel for the petitioner that the petitioner is languishing in custody since 20.02.2016.

The report of learned 2<sup>nd</sup> Additional Sessions Judge, Bhojpur at Ara dated 08.02.2018 reflects that the charges have still not been framed, but if the accused persons cooperate the trial will be concluded within a period of ten months.

The prayer for bail of the petitioner was earlier rejected vide order dated 10.08.2016 passed in Cr. Misc. No. 28034 of 2016 with direction to expedite the trial but virtually trial has not concluded and the petitioner is languishing in custody since 20.02.2016.

Considering the delayed recording of the fard-beyan and registration of the FIR coupled with the fact that the trial has still not commenced hence, there is no likelihood of trial being concluded in near future, let the above named petitioner 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 2<sup>nd</sup> Additional Sessions Judge, Bhojpur at Ara in connection with Sessions Trial No. 409 of 2017 arising out



of Sandesh P.S. Case No. 161 of 2015.

The report of the learned 2<sup>nd</sup> Additional Sessions Judge, Bhojpur at Ara reflects that the trial has not proceeded since the accused on bail are not appearing.

In the circumstances, the learned trial Court will be at liberty to cancel the bail bond of the petitioner, if he defaults for two consecutive occasions.

**(Dinesh Kumar Singh, J)**

DKS/-

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