

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.51721 of 2018

Arising Out of PS.Case No. -130 Year- 2015 Thana -NATHNAGAR District- BHAGALPUR

=====

Bishnu Sah @ Vishnu Sah S/o Prakash Sah, R/o Vill.- Noorpur, P.S.-
Nathnagar (Madhusudanpur), District- Bhagalpur.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Gautam Kumar Kejriwal, Adv.
Mr. Atal Bihari Pandey, Adv.

For the Opposite Party/s : Mr. Sri Murlidhar

=====

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 31-10-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail which was
rejected vide order dated 23.11.2017 passed in Cr. Misc. No.
45385 of 2017.

Petitioner is languishing in judicial custody since
07.12.2015 in connection with Sessions Trial No. 594 of 2016
arising out of Nathnagar (Madhusudanpur) P.S. Case No. 130 of
2015, G.R. No. 2485 of 2015 for offences punishable under
Sections 304(B)/34 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his daughter Shobha Devi was married to the petitioner in the



year 2015 and on account of non-fulfillment of demand of dowry, she was burnt to death by the petitioner and her in laws.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case just because he is the husband of the deceased. He further submits that the allegation is not founded on good ground as the deceased was a mentally instable lady as stated by some villagers who had poured kerosene oil on herself and burnt herself. He further submits that the allegations are general and omnibus against all the family members including the petitioner. It is also submitted that the petitioner was not in the village but at another place on the date of occurrence.

However, learned APP for the State opposes the prayer for bail.

Earlier while rejecting the bail of the petitioner the liberty was given to the petitioner to renew his prayer for bail after six months if trial is not concluded by that time.

A report was received from the trial court dated 19.06.2018 and four months extension was granted on 04.07.2018 but extended w.e.f. 19.06.2018. It has been informed by the



petitioner that trial has not yet concluded.

Considering the facts and circumstances and the materials on record and since the petitioner is languishing in judicial custody since nearly three years and that allegations are general and omnibus against all the accused persons, let petitioner, above named, be enlarged 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 3rd Additional Sessions Judge, Bhagalpur in connection with Sessions Trial No. 594 of 2016 arising out of Nathnagar (Madhusudanpur) P.S. Case No. 130 of 2015, G.R. No. 2485 of 2015, subject to the conditions that:

(1) One of the bailors would be a relative of the petitioner having sufficient immovable property, who will file an affidavit stating his relationship with the petitioner.

(2) Petitioner will appear before the learned court below during trial as and when required and failure to appear on two consecutive dates without



assigning any reason will entail
cancellation of his bail bonds.

(Nilu Agrawal, J)

Devendra/Priyanka

U		T	
---	--	---	--

