

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.47012 of 2018

Arising Out of PS. Case No.-242 Year-2016 Thana- JAKKANPUR District- Patna

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Rohit Kumar son of Late Shyam Narayan Singh, resident of Village- New Bighrahpur, P.S.- Jakkanpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Anand

For the Opposite Party/s : Smt. Suman Kumari Singh

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-09-2018 Heard learned Senior Counsel Mr. N.K. Agrawal

for the petitioner, learned Senior Counsel Mr. Rama Kant

Sharma for the informant and learned APP for the State.

This is the 2nd round of litigation. Earlier the prayer of the petitioner for grant of bail was rejected by this Court vide order dated 22.12.2017, passed in Cr. Misc. No. 42808 of 2017.

Petitioner is languishing in judicial custody since 19.12.2016 in connection with Sessions Trial No. 705 of 2017, arising out of Jakkanpur P.S. Case No. 242 of 2016 for offences punishable under Section 304-B of the Indian Penal Code.

The prosecution case, as lodged by the informant,



is that his sister Pummi Kumari was married to the petitioner, who was a Clerk in the Income Tax Department posted at Ahmadabad. She died in the house at Ahmadabad, for which U.D. Case No. 06 of 2016 had been lodged. The allegation upon the petitioner in the present F.I.R. is that he along with his mother for non-fulfillment of demand of dowry had killed his sister.

It has been submitted by the learned counsel for the petitioner that he is innocent and just because he is the husband of the deceased, he has been made accused in the present case. He submits that the sister of deceased, who was also residing at Ahmadabad has not alleged any overt act against the petitioner, rather the deceased was taken by the petitioner to the hospital where she was undergoing treatment, but ultimately died. He further submits that there was no such demand of dowry and charges have not yet been framed against the petitioner, although, he is languishing in judicial custody for about one year and eight months.

However, learned Senior Counsel appearing for the informant vehemently opposes the prayer for bail stating therein that the petitioner himself has not appeared before the trial court, hence, charges have not been framed. He refers to



Annexure-3 of this application stating that on a number of dates fixed, the petitioner had not appeared before the trial court and, as such, a direction may be issued for conclusion of trial within a fixed time frame.

Learned APP for the State also opposes the prayer for bail.

Considering the facts and circumstances and the materials on record as well as the period of custody and that charges have not yet been framed, which had to be framed by the learned court below instead of granting so many dates, 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 ADJ-IX, Patna, in connection with Sessions Trial No. 705 of 2017, arising out of Jakkanpur P.S. Case No. 242 of 2016, subject to the following conditions :

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

Rajesh/Pragya

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