

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.43610 of 2018**

Arising Out of PS. Case No.-432 Year-2016 Thana- SAHARSA District- Saharsa

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Raman Yadav son of Baij Nath Yadav Resident of village- Nariyar (Lataha),  
P.S.- Saharsa, District- Saharsa ... Petitioner

Versus

The State of Bihar ... Opposite Party

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**Appearance :**

For the Petitioner : Mr. Kamal Kishore Singh, Adv.  
For the Opposite Party : Mr. Sanjay Kumar Sharma, APP 236

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**CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL**  
**ORAL ORDER**

3      29-08-2018                      Heard the learned counsel for the petitioner and the  
learned counsel appearing for the State.

Petitioner had earlier moved for which which was rejected vide order, dated 24.08.2017, passed in Cr. Misc. No. 30227 of 2017. The petitioner is languishing in judicial custody since 21.05.2016 in connection with S. Tr. No. 127 of 2018 arising out of Saharsa Sadar P.S. Case No. 432 of 2016 for offence alleged under Sections 302, 120B and 34 of the Indian Penal Code.

The prosecution case is lodged by the informant is that her daughter was married to the petitioner and due to non-fulfillment of demand of dowry she has been beaten and killed. When the informant was informed about the death of her daughter, she came to her daughter's matrimonial home and found that blood was oozing from her nose and ear.



It has been submitted by the learned counsel for the petitioner that he is innocent, bears no criminal antecedent and that the petitioner was happily married to the informant's deceased-daughter since last ten years and had three sons. He submits that the allegations are general and omnibus and that although the petitioner is languishing in judicial custody since more two years, but, charges have been framed in the year 2018 and trial has not yet commenced.

However, the learned Additional Public Prosecutor for the State opposes the prayer for bail.

In this regard, a report was called from the Sessions Judge, Saharsa, regarding the stage of trial, who has sent report, dated 27.08.2018, stating therein that after commitment the records of the case have been received on 13.08.2018.

However, considering the facts and circumstances and the materials on record and that the trial has not yet commenced as well as the period of custody, let the petitioner, above named be released on bail on furnishing bail bond of Rs.10,000/- (rupees ten thousand) with two sureties of the like amount each in connection with S. Tr. No. 127 of 2018 arising out of Saharsa Sadar P.S. Case No. 432 of 2016 to the satisfaction of the Chief Judicial Magistrate, Saharsa, or the successor Court 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)**

Shamshad/-

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