

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.11723 of 2018

Arising Out of PS.Case No. -90 Year- 2016 Thana -KHAIRA District- SARAN

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Ashok Bhagat, S/o Chandi Bhagat, a resident of Village- Patedha, P.S.-
Khairah, District- Saran.

.... Petitioner/s

Versus

The State of Bihar.

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Sri Rajendra Prasad Nat

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CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This the second round of litigation. Earlier the prayer
for bail of the petitioner was rejected vide order dated 06.09.2017
passed in Cr. Misc. No. 28651 of 2017.

Petitioner is languishing in judicial custody since
31.05.2016 in connection with Sessions Trial No. 522 of 2017
arising out of Khaira P.S. Case No. 90 of 2016 for offences
punishable under Sections 302 and 328 of the Indian Penal Code.

The prosecution case, as lodged by the informant, is
that his niece Rita Devi was married to the petitioner in the year,
2011 and was always tortured for giving her share of the parental



property and ultimately she was poisoned by the petitioner who is her husband.

It has been submitted by the learned counsel for the petitioner that he is innocent. In fact the informant is the uncle and since the mother and father of his wife died long back he wanted to take the property and has falsely implicated the petitioner only because he is the husband. He submits that charges have been framed and petitioner undertakes to cooperate in the trial on day to day basis. He submits that although charges have been framed but none of the witnesses have been examined as yet and that the petitioner is languishing in judicial custody since nearly one year and ten months.

However, learned APP for the State opposes the prayer for bail stating therein that signs of poison have been found as per the forensic report in the body of the deceased.

Considering the facts and circumstances, the materials on record and the period of custody, 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 Additional Sessions Judge-X, Saran in connection with Sessions Trial No. 522 of 2017 arising out of Khaira P.S. Case No. 90



of 2016, subject to the conditions that:

- (1) 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.
- (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/-

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