

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34374 of 2018

Arising Out of PS. Case No.-159 Year-2016 Thana- BHAGWANPUR District- Vaishali

CHHOTAN SINGH @ SIDHYANATH KUMAR SINGH @ SIDHYANATH SINGH, S/o Ram Shankar Singh, Resident of Village- Harpur Kastury, P.S. Bhagwanpur, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh
For the Opposite Party/s : Mr. Akbar Ali

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 05-09-2018 Heard learned counsel for the petitioner 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 30.03.2018, passed in Cr. Misc. No. 11530 of 2018.

Petitioner is languishing in judicial custody since 05.12.2017 in connection with Sessions Trial No. 194 of 2018, arising out of Bhagwanpur P.S. Case No. 159 of 2016 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 Ritu Kumari was married to the petitioner in the year 2016 and due to non-fulfillment of demand of dowry



she was burnt to death by pouring kerosene oil, and on information the informant found his daughter in a half burnt condition.

It has been submitted by the learned counsel for the petitioner that he is innocent, allegation is upon the petitioner, who is the husband of the deceased and the family members, as such, allegations are general and omnibus. He submits that a compromise has been entered into between the parties and the deceased died a natural death while cooking meal and the petitioner was not instrumental in killing the deceased by pouring kerosene oil.

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

In this regard, a report was called for from the court of learned Additional District and Sessions Judge-I, Vaishali at Hajipur and it has been reported vide letter dated 18.08.2018 that the case is pending for evidence, summons have been issued to the witnesses and if the prosecution and defence cooperate, the trial would conclude within nine months.

Considering the facts and circumstances and the materials on record and that the trial is proceeding at a very slow pace as well as considering 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 District and Sessions Judge 1st, Vaishali at Hajipur, in connection with Sessions Trial No. 194 of 2018, arising out of Bhagwanpur P.S. Case No. 159 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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