

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.63248 of 2018

Arising Out of PS. Case No.-101 Year-2013 Thana- BIDUPUR District- Vaishali

Rakesh Kumar S/o Pradeep Rai, resident of Village- Gopalpur, P.S. Bidupur,
District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rina Sinha

For the Opposite Party/s : Mr. Indra Kumar Singh

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

4 28-11-2018 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner had earlier moved for bail, which was
rejected vide order dated 22.08.2017, passed in Cr. Misc. No.
29564 of 2017.

Petitioner is languishing in judicial custody since
03.04.2017 in connection with Sessions Trial No. 178/2017,
arising out of Bidupur P.S. Case No. 101/2013 for offences
punishable under Sections 304-B, 201, 34 of the Indian Penal
Code.

The prosecution case, as lodged by the informant, is
that his sister was married to the petitioner in the year 2012 but
due to non-fulfillment of demand of dowry she was killed by the
petitioner and in-laws.



It has been submitted by the learned counsel for the petitioner that he is innocent, just because he is the husband, he has been made accused, the victim died due to diarrhoea and just one day before her death she was brought from the parental house. It is submitted that a compromise petition has also been filed before the learned court below and petitioner undertakes to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the dead body was thrown in the river and not recovered and, as such, the petitioner is not entitled to bail as only one witness out of seven witnesses, who is the Investigating Officer of the case, is yet to be examined.

On the report called for, the learned I/C Sessions Judge, Vaishali at Hajipur has sent letter No. 3828/ 2018 dated 15.10.2018 stating therein that only one witness remains to be examined but the court is vacant since 23.07.2018.

Considering the facts and circumstances and the materials on record as well as 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 Sessions Judge, Vaishali at Hajipur, in connection with Sessions Trial No.



178/2017, arising out of Bidupur P.S. Case No. 101/2013,
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/-

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