

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14348 of 2019**

Arising Out of PS. Case No.-74 Year-2009 Thana- CHAUTHAM District- Khagaria

VIKASH KUMAR @ VIKASH SINGH Son of Late Kailash Singh R/o
village- Adabari, P.S- Chauthain, District- Khagaria

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bipin Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

2 08-03-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the brother of the husband of the victim, is languishing in custody since 13.09.2018 in a case registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code.

The prosecution case got initiated on the Fardbeyan of Narayan Prasad Singh, recorded by R.N. Mandal, S.I.-cum-SHO, Chautham, Police Station on 15.08.2019 at 10.30 A.M., to the effect that the informant's daughter, namely, Ruby Kumari was married with Sanjeev Kumar on 10.06.2009. After the marriage, there was further dowry demand of a motorcycle. On 14.08.2009, the brother-in-law of the informant informed him that his daughter is missing from the in-laws house. After



having received such information, when the informant went to the in-laws house of her daughter, he found none was present there. On search being made, the dead body of the daughter of the informant was recovered from a bamboo plant orchard. Hence, it is alleged that the husband and other in-laws family have killed the victim.

It is submitted by learned counsel for the petitioner that the accusation is not specific against the petitioner. The thrust of accusation is against the husband of the victim and since the petitioner is brother of the husband of the victim, hence he has been roped in the present case. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP for the State submits that the co-accused have already been convicted and the appeal is pending before this Court and the petitioner remained absconded for about nine years.

Keeping in view the fact that the petitioner is in custody for about six months, the impugned order does not suggest that there is any progress in the trial and the thrust of accusation is against the husband of the victim, coupled with statement made in paragraph no.3 of the petition that the



petitioner is not having any criminal antecedent, let the above named petitioner be released 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 FTC-1, Khagaria in connection with Sessions Case No.02 of 2013 (arising out of Chautham P.S. Case No. 74 of 2009).

However, the learned court below will be at liberty to cancel the bail bonds of the petitioner positively, if he defaults for two consecutive occasions. It is expected from the learned Court below to expedite the trial and conclude it as expeditiously preferably within a period of six months.

(Dinesh Kumar Singh, J)

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