

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 17321 of 2019

Arising Out of PS. Case No.-178 Year-2017 Thana- RAXAUL District- East Champaran

SUSHIL YADAV S/o Shubh Narain Rai, Resident of Village- Siswa, P.S.-
Raxaul, Dist.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sangeet Deokuliari
For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 28-03-2019 Heard learned counsels for the parties.

The petitioner being the husband of the victim, has renewed his prayer for bail in a case registered for the offences punishable under Sections 304B/34 of the I.P.C.

The prosecution case as per the written report of Ram Janam Rai submitted to the SHO, Raxaul Police Station is to the effect that the informant's daughter was married on 10.7.2016, but subsequent to the marriage, torture was inflicted upon her due to non-fulfillment of dowry demand of Scorpio vehicle. On 6.6.2017, the informant came to know that his daughter has been killed.

It is submitted by learned counsel for the petitioner that the victim was not happy with the marriage and as such, she committed suicide. It is further submitted that no



mark of violence was found on the body of the victim and the accusation has been made after two and half years of marriage. Altogether seven witnesses have been examined but except the informant, none has supported the prosecution case.

Earlier prayer for bail was rejected vide order dated 16.5.2018 passed in Cr. Misc. No. 11267 of 2018 with a liberty to the petitioner to renew his prayer for bail if the trial is not concluded within nine months. It is further submitted that the said period has expired but the trial has not been concluded. The petitioner is in custody since 13.6.2017.

Learned APP submits that the thrust of accusation is against the petitioner. However, he does not dispute the fact that the trial has not been concluded.

Considering the fact that liberty was given to the petitioner to renew his prayer for bail after nine months if the trial is not concluded, except the informant no other witness has supported the prosecution case and the period in custody, let the petitioner above named 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 the learned SDJM, Raxaul at
Motihari in connection with Raxaul P.S. Case No.178 of
2017.

The learned Court below will be at liberty to
cancel the bail bonds of the petitioner in case he defaults
on three consecutive occasions.

(Dinesh Kumar Singh, J)

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