

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 23158 of 2019

Arising Out of PS. Case No.-10 Year-2017 Thana- GARKHA District- Saran

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TUNNA SINGH @ TUNNU SINGH @ RAJ KISHORE SINGH @ BRIJ KISHORE SINGH Son of Late Basudeo Singh Resident of Village- Baikunthpur Pithaghat, Police Station- Garkha, District- Saran (Chapra)

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Brij Kishor Mishra

For the Opposite Party/s : Mr.Rajendra Nath Jha

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CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA
ORAL ORDER

3 17-05-2019 Heard learned counsel for the petitioner and learned Additional Public Prosecutor for the State.

The petitioner being the husband has been languishing in jail since 13.04.2017 in connection with Garkha P.S. Case No. 10 of 2017 registered for the offense punishable under Sections 302/34, 201/120(B)/504/506 of the Indian Penal Code.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected by this Court taking into consideration that it was a case of dowry death. It is, however, submitted that the marriage took place more than 7 years from the date of occurrence and, therefore, the case would not fall within the ambit of Section 304-B as has been sought to be inferred from the facts and circumstances as detailed in the F.I.R. He further submits that though the case has been



committed wayback in the year 2017 itself, till date, none of the witnesses have been examined after framing of charge. He, however, submits that the petitioner may be extended the privilege of bail as he is willing to co-operate in the trial and be present as and when required so that the trial is not unnecessarily delayed.

It has also been reported by the trial Court that the prosecution witnesses have not been appearing which is causing delay in the progress of the trial. Learned counsel for the petitioner submits that in view of the aforementioned facts and circumstance and also because the petitioner is willing to co-operate at the trial, he may be extended the privilege of bail.

Considering the period of custody and that the matter has been lingering unusually and also taking into consideration that the present is not a case under Section 304-B as has been indicated earlier, let the petitioner above named be released on bail, on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Chapra, District-Saran, in connection with Garkha P.S. Case No. 10 of 2017, subject to the following conditions:-

- (1) One of the bailors will be his own blood relative,



preferably, mother, brother, sister and/or his wife.

(2) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(3) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded, and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjana Mishra, J)

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