

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35356 of 2019

Arising Out of PS. Case No.-70 Year-2015 Thana- VALMIKINAGAR District- West
Champaran

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JHAGARU RAM S/o Late Gaya Ram R/o Village- Bhedihari, Karmahawa
Tola, P.S.- Valmikinagar, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bimlesh Kumar Pandey
For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

2 14-08-2019 Heard learned counsel for the parties.

The petitioner, being the father of the husband of the victim, has renewed his prayer for bail in a case registered for the offences punishable under Sections 498A, 326 and 304B/34 of the IPC.

The prosecution case, as per the written report of Sunar alias Sundar Ram submitted to the SHO, Balmiti Nagar, is to the effect that the daughter of the informant, namely, Tetari alias Amita Kumari was married on 1.6.2015 with Om Prakash, the son of the petitioner, but subsequent to the marriage, further dowry demand was made and due to non-fulfillment of the same, torture was inflicted upon the daughter of the informant. On 15.10.2015, at 7.00 A.M., the informant came to know that



his daughter has been killed by causing burn injuries and the dead body has been concealed in a cane field. On reaching of the informant, the dead body was recovered from the cane field but the petitioner who was in the house, shown his ignorance about the same.

It is submitted by learned counsel for the petitioner that the petitioner is sixty years of age and only on the basis of suspicion, he has been made accused since he was in the house at the time of alleged occurrence. The husband of the victim has been granted bail vide order dated 17.10.2016 passed in Cr. Misc. No. 23074 of 2016. It is further submitted that the accused persons have been chargesheeted vide two chargesheets. In Chargesheet no. 2/2016, there are ten witnesses but in chargesheet no. 46 of 2016, there are seven witnesses and in both the charge sheets, only one witness is common, hence altogether there are sixteen witnesses to be examined, out of which, eight witnesses have been examined. The deposition of eight witnesses have been brought on record, but only P.W.1, namely, Ishwar Bharti being brother of the victim, has supported the prosecution case but has not stated anything specific against the petitioner. The husband of the victim has been granted bail vide order dated 17.10.2016 passed in Cr.



Misc. No.23074 of 2016 on the ground that he was not present in the house when the victim was killed.

Learned APP submits that the thrust of accusation is against the petitioner since he was available in the house when the victim was killed.

The petitioner is languishing in custody since 16.10.2015 and his initial bail application for bail was rejected vide order dated 5.4.2016 and the trial was directed to be expedited, thereafter the bail application was again rejected vide order dated 18.7.2018 passed in Cr. Misc. No. 19523 of 2017 considering the report of the learned trial court dated 26.6.2018 that out of the ten witnesses, three have been examined.

It is relevant to clarify that the learned Sessions Judge transmitted the report only on the basis of one chargesheet whereas in the second chargesheet, seven witnesses have been cited but one witness is common in both the chargesheets. The report further stipulated that the trial will be concluded preferably within nine months, as a result, the prayer for bail was again rejected with liberty to the petitioner to renew his prayer if the trial has not concluded within nine months. More than a year has elapsed since the date of rejection of the prayer for bail of the petitioner but the trial has not concluded and it is



specifically stated on affidavit that out of sixteen witnesses, only eight have been examined, out of which, seven witnesses have been declared hostile while only one witness (PW 1) has not stated anything specific against the petitioner.

In the circumstances, 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 Additional Sessions Judge I, Bagaha, West Champaran in connection with S.Tr. No. 7 of 2018 arising out of Valmikinagar P.S. Case No. 70 of 2015.

The learned trial Court 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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