

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.72376 of 2018

Arising Out of PS. Case No.-91 Year-2016 Thana- RAGHOPUR District- Vaishali

Shivnath Rai Son of Jimdar Rai Resident of Village- Mohanpur Lankatola,
P.S. Raghapur, District- Vaishali.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate
For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

2 06-02-2019 Heard learned counsel for the petitioner and

learned Additional Public Prosecutor for the State.

The petitioner is languishing in custody for the

offence punishable under Section 304B/34 of the Indian Penal

Code.

This Court had earlier refused prayer for bail of the

petitioner vide order dated 11.01.2018 passed in Cr. Misc.

No.59776 of 2017. Petitioner is husband of the victim of dowry
death. While refusing the prayer for bail this Court had directed
the trial-court to expedite the trial and conclude the same
preferably within nine months, failing which the liberty was
allowed to the petitioner to renew the prayer for bail before
the trial judge itself. The impugned order dated 01.11.2018



would reveal that the trial could not be concluded as the case was lying in the vacant Court and the allegation is serious against the accused. However, the learned Court-below did not consider that four prosecution witnesses have already been examined in this case including the informant and all have turned hostile. A copy of deposition is annexed as Annexure-3 series.

Considering the fate of the trial, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sessions Trial No.1 of 2018, arising out of Raghapur P.S. Case No.91 of 2016, with following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Kumar, J)

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