

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25065 of 2020

Arising Out of PS. Case No.-82 Year-2017 Thana- DIDARGANJ District- Patna

ANISH KUMAR S/O Shyam Jee @ Shyambabu Rai R/O Village - Kothiya,
P.S. - Deedarganj, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Yogesh Chandra Verma, Sr. Advocate Mr. Rahul Kumar, Advocate
For the Opposite Party/s	:	Mr. B.N. Pandey, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

5 05-11-2020 Heard both sides through Video Conferencing.

The petitioner seeks bail in Didarganj P.S. Case No.82 of 2017, corresponding to Sessions Trial No.629 of 2017 registered under Sections 304B and 34 of the Indian Penal Code and under Sections 3/4 of Dowry Prohibition Act pending in the Court of 1st Additional Sessions Judge, Civil Court, Patna City.

The learned counsel for the petitioner submits that this is the third attempt made by the petitioner for grant of bail. Earlier the prayer for bail of the petitioner was rejected by order dated 30.01.2019 by a co-ordinate Bench of this Court passed in Cr. Misc. No.4283 of 2019. This Court directed the trial court to expedite the trial and conclude the same within a period of one year. More than one year and nine months have elapsed but till



date not a single prosecution witness has been examined. It is further submitted that petitioner is in jail since 25.04.2017. Petitioner has remained in jail for more than 3½ years. Petitioner is the husband. It is submitted that the entire orders have been annexed with the bail petition but it would appear that in spite of issuance of non-bailable warrant, the prosecution witness has not yet been produced.

Learned A.P.P. however opposed the prayer for bail.

Perused the record. It appears that of course the petitioner is the husband and there is allegation that the petitioner along with other accused persons killed his wife but in spite of the order of this Court passed on 30.01.2019 in Cr. Misc. No.4283 of 2019 to conclude the trial within one year, the trial has not yet been concluded. The petitioner is in jail for more than 3½ years and till date not a single prosecution witness has been examined.

Taking into consideration the facts aforesaid, let the petitioner, above named, be enlarged 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 Addl. Sessions Judge I, Patna City in connection with Didarganj P.S. Case No.82 of 2017, corresponding to Sessions Trial No.629 of 2017,



subject to the condition that the petitioner shall appear in Court on each and every date and if the trial court finds that the petitioner is either tampering with the evidence or putting any hindrance in the trial, the trial court may cancel the bail bond of the petitioner.

(Prabhat Kumar Jha, J)

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