

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79747 of 2019

Arising Out of PS. Case No.-167 Year-2017 Thana- ISLAMPUR District- Nalanda

Kaleshwar Chaudhary, Son of Late Sitaram Chaudhary Resident of Village -
Asrafpur, P.S.- Islampur, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Mukherjee, Advocate
For the Opposite Party/s : Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

3 19-02-2020 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner, being the husband of the victim, has renewed the prayer for bail in a case registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code. The petitioner is languishing in custody since 10.06.2018.

The prosecution case is that the daughter of the informant has married with the petitioner in 2016. It is alleged that on 26.05.2017 at 10.00 P.M., the daughter of the informant informed him through mobile that she was assaulted by her -in-laws family, including the petitioner for non-fulfillment of dowry demand of Rs.Two lacs. It is alleged that on 27.05.2017, when the informant along with his family members went to the in-laws family house of his daughter, but he neither found any



in-laws family nor his daughter in the house. Hence, it was suspected that the accused persons, including the petitioner, have killed her daughter and disposed of her dead body.

It is submitted by learned counsel for the petitioner that only on the basis of suspicion, the accusation has been levelled against the petitioner. The dead body of the victim has not been recovered, as a result, the supervising authority during investigation has recommended for submission of charge sheet under Section 365 of the Indian Penal Code. It is further submitted that out of 10 charge sheeted witnesses, only 6 witnesses have been examined and trial is not likely to be concluded in near future. A statement has been made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent.

Learned APP, however, submits that the thrust of accusation against the petitioner and the trial is going on.

Considering the fact that the accusation is based on circumstantial nature of evidence, this Court will disposing of the earlier bail application of the petitioner, vide order dated 07.01.2019 passed in Cr. Misc. No. 57400 of 2018, given liberty to the petitioner to renew the prayer for bail, if the trial is not concluded within a period of eight months due to the laches on



the part of the prosecution, admittedly, the trial has not been concluded as yet and there is no likelihood of trial being concluded in near future, coupled with the statement made in paragraph 3 of the petition that the petitioner is not having any criminal antecedent, let the above named petitioner 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 learned 1st Additional Sessions Judge, Hilsa (Nalanda) in connection with Sessions Trial No. 526 of 2018, arising out of Islampur P.S. Case No. 167 of 2017.

The learned Court below will be at liberty to cancel the bail bonds of the petitioner, if he defaults for two consecutive occasions.

(Dinesh Kumar Singh, J)

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