

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.82929 of 2019**

Arising Out of PS. Case No.-40 Year-2017 Thana- SURYAPUR District- Rohtas

Mukesh Ram, Son of Ram Chandra Ram, Resident of Village- Bahuara, P.S.-  
Suryapura, District- Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Raghunandan Kumar Singh, Advocate  
For the Opposite Party/s : Mr.Upendra Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH**  
**ORAL ORDER**

2      01-06-2020                      The matter has been taken up through virtual Court proceeding.

Heard Mr. Raghunandan Kumar Singh, learned counsel for the petitioner and Mr. Upendra Kumar, learned APP for the State.

The petitioner, being the husband of the victim, has renewed the prayer for bail connection with a case registered for the offences punishable under Sections 304B and 201/34 of the Indian Penal Code.

The prosecution case, as per the written report of Sablayak Ram submitted to the Station House Officer of Suryapura Police Station, is to the effect that the informant's granddaughter, Rinki Devi was married with the petitioner, Mukesh Ram in 2013, but there was subsequent demand of a



motorcycle as dowry and due to non-fulfillment of the same, the granddaughter of the informant was being tortured and assaulted. On 02.04.2017, the informant came to know that his granddaughter, Rinki Devi has been killed by her in-law family members including the petitioner and the dead body has been disposed of.

It is submitted by learned counsel for the petitioner that the petitioner admits his marriage with the victim and accusation of demand of dowry after more than four years of the marriage appears to be un-believable and in fact, she died due to accidental fire injury while cooking. It is further submitted that out of 10 charge sheet witnesses, four witnesses have been examined, out of which, P.W. 1 has been declared hostile and P.Ws. 2 to 4 have not supported the prosecution case as independent witnesses, statement to that effect has been made in paragraph 9 of the petition, which reads as follows:-

“That out of 10 charge sheet witnesses 4 prosecution witnesses have been examined and P.W. 1 Ajay Kumar Paswan examined declared hostile by the prosecution and charge sheet witnesses namely P.W. 2 Ranjan Kumar Singh, P.W. 3 Md. Islam Mansuri and P.W. 4 Amir



Mansuri have not been supported the prosecution case.”

The last witness was examined on 05.11.2018 but in spite of the specific direction passed by Co-ordinate bench of this Court while rejecting the prayer for bail of the petitioner vide order dated 17.05.2019 passed in Cr. Misc. No. 15384 of 2019 to positively conclude the trial on or before 31<sup>st</sup> of October, 2019 it has not been concluded till date. The relevant portion of the order reads as follows:-

“Considering the aforementioned report and that the trial has advanced, let the trial Court take necessary steps to proceed in the same on day-to-day basis without giving any undue adjournment to either of the parties and conclude the same positively on or before the 31<sup>st</sup> of October, 2019.”

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

Considering the fact that the petitioner is languishing in custody since 08.05.2017, i.e., more than three years and in spite of the specific direction of Co-ordinate bench of this Court



to conclude the trial by 31<sup>st</sup> of October, 2019, the trial has not been concluded and the witnesses so far examined have not supported the prosecution case, let the petitioner above named be released on bail for the present provisionally for a period of three months on furnishing one surety to the satisfaction of the learned Additional District & Sessions Judge-IVth, Rohtas at Sasaram in connection with Sessions Trial No. 270 of 2017, arising out of Suryapura P.S. Case No. 40 of 2017.

However, in view of the present pandemic COVID-19, it will be open for the learned Court below to accept the bail bond upon furnishing an undertaking by the surety, on photo copy of his Aadhar Card, to the effect that he is ready to become the bailor of the petitioner which may be transmitted by such surety to the learned Court concerned through e-mode.

The provisional bail of the petitioner will be confirmed by the learned Court below within three months on furnishing bail bond of Rs.10000/- (ten thousand) with two sureties, including one surety given at the time of provisional bail, of the like amount each to the satisfaction of the learned Additional District & Sessions Judge-IVth, Rohtas at Sasaram in connection with Sessions Trial No. 270 of 2017, arising out



of Suryapura P.S. Case No. 40 of 2017.

The learned Court below is at liberty to further extend the period of provisional bail if the lockdown is not over in next three months.

**(Dinesh Kumar Singh, J)**

DKS/-

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