

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.87125 of 2019**

Arising Out of PS. Case No.-258 Year-2016 Thana- GAYA MUFASIL District- Gaya

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ARUN KUMAR @ ARUN SAW Shri Binod Prasad @ Binod Saw R/o
Village- Nauranga, Police Station- Muffasil, District- Gaya.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Dayanand Singh

For the Opposite Party/s : Mr. Tarun Prasad Mandal

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**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

2 05-02-2020 Heard the learned counsel for the petitioner and the
learned APP for the State.

The present petition is by way of second attempt at the behest of the petitioner, inasmuch as the earlier petition of the petitioner for grant of regular bail was permitted to be withdrawn with liberty to approach this Court, in case the trial does not conclude within a period of two years from the passing of the said order dated 17.05.2019, in connection with Gaya Muffasil PS case no. 258 of 2016 under Section 304(B)/34 of Indian Penal Code.

The allegation is regarding the petitioner, who is the husband of the deceased victim lady, and other accused persons having conspired together and killed the deceased victim lady on account of non-fulfilment of the demand for dowry.

The learned counsel for the petitioner has



submitted that the earlier petition filed by the petitioner for grant of regular bail was withdrawn without the permission of the petitioner, hence the petitioner is again approaching this Court, though without compliance of the undertaking given on behalf of the petitioner before this Court, as recorded in the earlier order of this Court dated 17.05.2019 to the effect that in case, the trial does not conclude within a period of two years from 17.05.2019, the petitioner would be at liberty to approach this Court for renewal of his prayer for grant of regular bail. It is further submitted that there is no progress in the trial and the petitioner is languishing in custody since 20.12.2017.

I have heard the learned counsel for the parties and I find from the record that the complicity of the petitioner is writ large and moreover, there is no change in circumstance from the date, the earlier bail petition of the petitioner was withdrawn, till date. This Court further finds that the petitioner has not adhered to his undertaking given on the earlier occasion, when he had approached this Court for grant of regular bail, to the effect that he would renew his prayer for bail after two years i.e. w.e.f. 17.05.2019, in case the trial does not conclude and instead he has approached this Court before expiry of the said time period, hence in that view of the matter also, the present bail petition is not maintainable. Nonetheless, this Court finds that the allegations



levelled against the petitioner are serious and heinous in nature,
hence I do not find any merit in the case of the petitioner for grant
of regular bail, thus, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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