

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14766 of 2021**

Arising Out of PS. Case No.-25 Year-2019 Thana- GURARU District- Gaya

Ramesh Singh @ Ramesh Kumar Singh, Son of Parmanand Singh, Resident
of Village - Konchi, P.S.- Guraru, Distt.- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mrigendra Kumar, Advocate

For the Opposite Party/s : Mr.Ajit Kumar, APP

**CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER**

3 13-09-2021 The matter has been taken up today for
consideration through video conferencing.

Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with S.Tr.
No.21/20/56/20 arising out of Guraru P.S. Case No.25 of 2019
registered for the offence punishable under Sections 147, 304B
of the Indian Penal Code.

The petitioner (husband of the victim) has
remained in jail since 11.03.2019, i.e., for two and a half years.
Counsel for the petitioner submits that the death has occurred
due to the victim having suffered a severe cold. It is submitted
that the relation of the petitioner with the deceased was good.
There is no material in the investigation regarding demand of



dowry and the petitioner undertakes to co-operate with the trial and make himself available on day to day basis.

To ascertain the cause of death, as per the material in the investigation, case diary was earlier requisitioned. The same has been received. With reference to the case diary, learned APP is not in a position to point out that there is any external and ante-mortem injury sustained by the victim. The submission is that the petitioner being husband, presumption under Section 304B I.P.C. will arise against him.

The report received from the Office of the Forensic Science Laboratory also finds that there was no Metallic, Alkaloidal, Glycosidal, pesticidal or volatile poison detected in the viscera.

Considering the rival submissions, the period of custody and the fact that the petitioner has no criminal antecedents, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, 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 Additional Sessions Judge-III, Gaya, in connection with S.Tr.



No.21/20/56/20 arising out of Guraru P.S. Case No.25 of 2019,
subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

The petitioner will be bound by his undertaking to make himself available at the trial on each and every date, failing which the court below will have the liberty to pass an appropriate order, in accordance with law, which may include cancellation of bail granted to the petitioner.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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