

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26469 of 2020

Arising Out of PS. Case No.-125 Year-2018 Thana- KHIJARSARAI District- Gaya

NITISH KUMAR Son of Sadhu Yadav Resident of Village- Mokamchak,
Police Station- Khizarsarai, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Syed Asgher Najmi, Advocate
For the Opposite Party/s : Mr. Ram Naresh Ray, APP

CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

5 22-03-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 302, 201, 120B/34 of the Indian Penal Code.

Informant who is father of the victim has alleged that in the year-2008, he married his daughter to the petitioner and thereafter she was being subjected to torture for non-fulfillment of demand of dowry by the FIR named accused along with petitioner and on 03.05.2018 he came to know that his daughter was killed.

Earlier also, petitioner had moved this Court for grant of regular bail which was rejected vide Annexure 1 with a direction to the trial court to expedite the trial of the petitioner and conclude the same within a period of one year from the date of receipt/production of a copy of the order.



It has been submitted on behalf of the petitioner that he is innocent and has falsely been implicated in this case. It is further submitted that marriage of the petitioner was solemnized with the daughter of the informant in the year 2008 and from wedlock, two daughters were born. Alleged incident took place in the year 2018 and between these ten years, there is absolutely no compliant / allegation against the petitioner either for demanding dowry or torturing the daughter of the informant for non-fulfillment of demand of dowry and petitioner has been made victim of circumstances. It is further submitted that despite the direction of this Hon'ble Court to expedite the trial and conclude the same within a period of one year, the case was committed on 19.11.2019, i.e., after more than nine months after receiving of the copy of the order and on 07.03.2020, charges has been framed against the accused persons. Petitioner has no criminal antecedent and he is in custody since 08.05.2018, i.e., more than 2 years and 10 months.

Considering the aforesaid facts and circumstances of the case, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending in connection with Khizarsarai P.S. Case No.



125/2018, Sessions Trial No.523/2019 / 52 /2020, with
following conditions:-

(1) Bailors should be local having sufficient
immovable property within the jurisdiction of the court
concerned.

(2) Petitioner shall co-operate in the trial
and shall be properly represented on each and every date
fixed by the court and shall remain physically present as
directed by the Court and his absence on two
consecutive dates without sufficient reason, his bail bond
shall be cancelled by the court below.

(3) If the petitioner tampers with the
evidence or the witnesses of the case, in that case,
prosecution will be at liberty to move for cancellation of
bail of the petitioner.

(S. Kumar, J)

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