

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37646 of 2021

Arising Out of PS. Case No.-91 Year-2019 Thana- MOUZA HIDPUR District- Bhagalpur

Mukesh Rajhans @ Mukesh Kumar Rajhans S/o Late Surenu Mohan Rajhans
@ Surendra Mohan Rajhans R/o Mohalla- Murtujachak (Mritujachak),
Mirjanhat, P.S.- Babarganj, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Sr. Advocate
	:	Mr. Najmul Hoda, Advocate
	:	Ms. Preety Kunwar, Advocate
For the Informant	:	Mr. Swapnil Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar No. 2, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 08-12-2021 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned A.P.P. for the

State.

The bail application of this petitioner was rejected
earlier vide order dated 05.03.2020 in Cr. Misc. No. 72595 of
2019 and thereafter again his prayer for bail was rejected vide
order dated 17.02.2021 in Cr. Misc. No. 29985 of 2020.

This is the third attempt of the petitioner to obtain
regular bail in connection with Mojahidpur (Babarganj) P.S.
Case No. 91 of 2019 instituted for the offences under Sections
304 (B) and 34 of the Indian Penal Code.

Learned senior counsel for the petitioner submits that



though the case was instituted under Section 304(B) and 34 of the Indian Penal Code but after investigation charge-sheet came to be submitted under Sections 302 and 34 of the Indian Penal Code and charges were framed under Sections 304(B), 302 and 34 of the Indian Penal Code. He further submits that it does not stand to reason that either it was a dowry death or murder but definitely it can't be both.

Learned counsel for the informant does not dispute the submission of the learned senior counsel for the petitioner that the charges have been framed under the aforesaid Sections of the I.P.C. Learned counsel for the informant submits that by order dated 04.08.2021, a report was called for from the learned court below, the same has been received and from perusal of the report it appears that the court below with regard to the status of the case has informed that summons and bailable warrants were issued against the witnesses vide order dated 19.12.2020 and 26.02.2021 but none of the witnesses have turned up till now, the report is dated 07.08.2021. He further submits that the witnesses are being examined in the trial.

Considering the fact that earlier twice the bail application of the petitioner was rejected as such the Court for the present is not inclined to grant bail to the petitioner, in the



event the trial is not concluded within eight months from the date of receipt of a copy of this order in the learned court below, the petitioner will be at liberty to renew his prayer for bail.

(Satyavrat Verma, J)

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