

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25435 of 2020

Arising Out of PS. Case No.-169 Year-2016 Thana- SHASTRINAGAR District- Patna

Abhishek Kumar, aged about 39 years (Male), Son of Shatrughna Prasad,
Resident of House No. A/5, A.G. Colony, near Samudayeeek Bhawan, P.S.-
Shastrinagar, District – Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner	:	M/S. Ajay Kumar Thakur and Malay Kumar Choudhary, Advocates.
For the State	:	Mr. A.G.
For the Informant	:	Mr. Amit Narayan, Advocate.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 16-03-2021 Heard learned counsels for the petitioner, informant
and learned A.P.P. for the State through Virtual mode.

Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

The petitioner seeks bail in a case for the offence
registered under Sections 341, 342, 323, 326, 307, 498(A)/34 of
the I.P.C. and $\frac{3}{4}$ of the D. P. Act. Later on, Sections 302 and
304(B) of the I.P.C. were also added.

The prosecution story, in brief, is that the accused
persons including the petitioner sprinkled kerosene oil upon the
victim and set her on fire, due to which, she died during



treatment.

Earlier bail applications of the petitioner were rejected vide Cr. Misc. No. 25738 of 2018 under order dated 10.05.2018 and Cr. Misc. No. 42113 of 2019 under order dated 11.09.2019 taking into account that the petitioner happens to be the husband of the deceased, annexed as Annexures-1 and 1/1 to the present bail application.

This is third attempt on behalf of the petitioner for grant of bail.

Vide order dated 07.10.2020, a report was called for from the court below regarding the present stage of the case. In pursuance to the said order, a report vide its Letter No. 56 dated 11.11.2020 has been received. It has been reported that out of 13 prosecution witnesses only 05 prosecution witnesses have been examined. Thereafter, again vide order dated 28.01.2021, a fresh report was called for from the court below regarding the present stage of the case. In pursuance to the said order, a report vide its Letter No. 26 dated 10.02.2021 has been received. It has been reported that out of 13 prosecution witnesses only 05 prosecution witnesses have been examined and 08 prosecution witnesses are yet to be examined.

It has been submitted by learned counsel for the



petitioner that the petitioner is in custody since 20.04.2016. He has remained in custody for approximately five years and there is no chance of trial being concluded in near future as per the reports submitted by the court below.

On behalf of the learned counsels for the State and the informant, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) Only with two sureties of the like amount each to the satisfaction of the learned Additional District Sessions Judge-XVII, Patna, in connection with Sessions Trial No. 665/2016, arising out of Shastrinagar P.S. Case No. 169/2016.

(Sudhir Singh, J)

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