

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.6580 of 2021

Arising Out of PS. Case No.-85 Year-2018 Thana- DIGHALBANK District- Kishanganj

Khageshwar Prasad Singh Son of Anand Prasad Singh Resident of Village -
Sudhai Tola, Hari Bhatta, P.S.- Dighalbank, District - Kishanganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rohit Mishra, Advocate

For the Opposite Party/s : Mr. Addl. Public Prosecutor

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 17-02-2021 Heard learned counsel for the parties.

This is 2nd attempt for grant of bail on behalf of petitioner. Earlier, the bail application of petitioner was rejected by this Court, vide order dated 24-10-2019 passed in Cr. Misc. No. 47591 of 2019 (Annexure 1 to the bail application). Petitioner is husband of the deceased.

It is submitted on behalf of petitioner that charge has already been framed under Sections 304B/302/120B/34 of the IPC against the accused and nine prosecution witnesses including informant have already been examined and doctor, investigating officer alongwith other prosecution witnesses are yet to be examined. It is further submitted on behalf of petitioner that during the trial, the informant (father of deceased), who was examined as P.W.9, was declared hostile by the prosecution. During trial, P.W.9 (informant), in his



deposition, has not supported the prosecution case. He has not alleged that this petitioner has ever tortured his daughter (deceased). Petitioner is in custody since 21-05-2019.

Considering the aforesaid facts and circumstances, the bail application of petitioner is allowed. Let the petitioner, as named above, 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 IVth, Kishanganj in connection with Dighalbank P.S. Case No. 85 of 2018, on the following conditions:

“(1) Petitioner shall cooperate 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 on his absence on two consecutive dates without sufficient reason, his bail-bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J.)

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