

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2954 of 2021

Arising Out of PS. Case No.-53 Year-2017 Thana- DUMARIYA District- Gaya

GUDDU YADAV son of Jagu Yadav Resident of Village- Dubath, P.S.
Dumaria, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashutosh Singh

For the Opposite Party/s : Mr.A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-03-2021 Heard learned counsel for the petitioner and learned
APP for the State.

Counsel for the petitioner is directed to remove the defect(s), as pointed out by the office, within a period of four weeks.

The petitioner seeks bail in a case registered under Sections 304(B)/34 of the Indian Penal Code.

The earlier bail application of the petitioner was rejected vide Annexure 1 to the present application taking into account that the petitioner is the husband of the deceased and the onus is on him to explain the cause of death of the deceased.

A report was called for from the court below regarding the stage of trial. It has been reported that charge has not been framed in the present case and none of the prosecution



witnesses has been examined in this case.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 26.11.2018 and has got no criminal antecedent. There is no allegation of tampering of witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. During the pendency of the present prosecution, a petition has been filed by the informant, where she has retracted from her earlier statement made in the F.I.R. The said petition is Annexure 3 to the present application. It is further submitted that there is no chance of trial being concluded in near future.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge 1st, Gaya in connection with Sessions Trial No.200 of 2020 arising out of Dumaria P.S. case No.53 of 2017.

Narendra/-

(Sudhir Singh, J)

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