

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5447 of 2021

Arising Out of PS. Case No.-12 Year-2018 Thana- KADWA District- Katihar

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MUKESH SINGH @ MUKESH KUMAR SINGH S/o Bhuneshwar Singh
R/o village- Bhogaon Kothi, P.S.- Kadwa, District- Katihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bhola Prasad, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 01-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has renewed his prayer for bail in connection with Sessions Trial no. 347 of 2018 (arising out of Kadwa P.S. Case no.12 of 2018) registered under sections 304B and 34 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner, who happens to be the husband of the deceased, was rejected vide order dated 17.12.2018 passed in Cr. Misc. no. 68447 of 2018 and order dated 18.12.2019 passed in Cr. Misc. no. 69277 of 2019. It is submitted that inspite of the petitioner being in custody since 19.1.2018 i.e. for more than 3 year 7 months, there is no chance of the trial concluding in the near future.

Heard learned APP for the State who submits that the



cause of death is stated to be asphyxia caused by strangulation and the petitioner is the husband of the deceased.

A report was called for from the learned trial Court. As per the report received contained in letter dated 13.8.2021 of the learned Additional Sessions Judge IV, Katihar, three prosecution witnesses have been examined out of total of nine prosecution witnesses. It is stated that at least 9 months is required for concluding the trial.

Having heard learned counsel for the parties and taking into consideration the petitioner having remained in custody for more than 3 years 7 months, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 347 of 2018 (arising out of Kadwa P.S. Case no. 12 of 2018) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge IV, Katihar.

It is further directed that in view of the trial in the learned trial Court having proceeded, the petitioner shall remain physically present in trial on each date and in case of the absence of the petitioner on any date for reasons not to the satisfaction of the learned trial Court, the learned trial Court



may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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