

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24286 of 2022

Arising Out of PS. Case No.-55 Year-2017 Thana- DURAULI District- Siwan

RATNESH PATHAK @ RATNISH PATHAK SON OF BHIRGUNATH
PATHAK R/O- VILLAGE- NARAULI, P.S.-DARAULI, DISTRICT- SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ajay Kumar Pandey, Adv.

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-07-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under sections 304B and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was killed by the accused persons including the petitioner herein who happens to be her husband by pressing her neck.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case only for the reason that he happens to be the husband of the deceased. The informant is admittedly not an eye witness to the occurrence. Although the petitioner is in custody since 19.8.2019, only the doctor has been examined as a prosecution



witness. Referring to the deposition of the doctor in course of trial, it is submitted that in the post-mortem report of the deceased, no external injury was found in her body. The doctor in his cross-examination has stated that those marks which are found on pressing of the neck have not been stated in the post-mortem report. Fracture of hyoid bone takes place also in case of hanging. It is submitted that the unfortunate death of the deceased took place as a result of her committing suicide. The petitioner is in custody since 19.8.2019, has no criminal antecedent and undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

A report was called for from the learned trial court according to which only two witnesses, out of the eleven chargesheet witnesses, have been examined and the police authorities including D.I.G., Saran have been directed to produce the witnesses.

Having heard learned counsel for the parties and taking into consideration the prosecution case, the statement of P.W.1, the doctor in his cross-examination together with the contents of the report of the learned trial court and the petitioner having remained in custody for 2 years 10 months, the Court directs the petitioner to be enlarged on bail in connection with



Sessions Trial no.489 of 2019 (arising out of Darauli P.S. Case no.55 of 2017) 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 District Judge XI, Siwan.

It is further directed that the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial. In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned trial court or in case the petitioner does not cooperate in the trial, 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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