

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26806 of 2022

Arising Out of PS. Case No.-5 Year-2020 Thana- GORAU District- Vaishali

MANOJ DAS S/o Yogi Das @ Yogendra Das R/o village- Husaina Buzurg,
P.S.- Goraul, District- Vaishali, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 27-07-2022 Heard Mr. Nachiketa Jha, learned Advocate for the

petitioner and Mr. Md. Aslam Ansari for the State.

The petitioner, who is the husband of the deceased, seeks bail in connection with Sessions Trial No. 169 of 2020 (G.R. No. 20 of 2020) arising out of Goraul P.S. Case No. 5 of 2020 dated 02.01.2020 instituted for the offences under Sections 302, 120B, 498A and 201 of the Indian Penal Code.

The prayer for bail of the petitioner was earlier rejected *vide* order dated 07.04.2021 passed in Cr. Misc. No. 35092 of 2020.

While disposing of this bail petition, this Court had observed that if there is no substantial progress in the



trial within next nine months, the petitioner was to move before the trial court for grant of bail and the court was required to state the reasons for the tardy pace of the trial.

The petitioner is in custody since 23.06.2020.

The report, which has been sent to this Court, indicates that out of six prosecution witnesses, only two has been examined as yet but all steps have been taken for procuring the presence of the other witnesses.

Mr. Jha, however, submits that in this case, the father of the deceased had lodged a complaint initially which was converted into the subject FIR. After investigation, the police found the case true under Section 306 of the Indian Penal Code. Even the charges have been framed under Section 306 IPC.

In that background, the learned counsel for the petitioner has further submitted that out of the wedlock, a daughter was born who is now eleven years of age and is residing in the house of the petitioner. The petitioner has been taking care of his daughter all this while after the death of her mother.

Considering the afore-noted circumstances *viz.* the



petitioner having remained in jail for two years and that the trial of the petitioner for the offence under Section 306 IPC has not yet been concluded, this Court is inclined to grant bail to the petitioner during the pendency of the trial but subject to certain stringent conditions.

The petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-XI, Vaishali at Hajipur in connection with Sessions Trial No. 169 of 2020 (G.R. No. 20 of 2020) arising out of Goraul P.S. Case No. 5 of 2020.

One of the bailors shall be the father of the petitioner. The petitioner shall participate on each and every date in the trial proceedings and his absence on two consecutive occasions without taking the leave of the court would render the bail granted to him liable to be cancelled. While furnishing bonds, the petitioner shall provide his mobile telephone number as well as the telephone number of his father, which telephones shall be kept in operative condition till the disposal of the trial. The petitioner shall not leave the confines of the district, where the trial is



proceeding till the conclusion of the trial. The petitioner shall also get his presence marked before the officer-in-charge of the concerned police station on Wednesdays of every week at 11:00 AM.

In the event of breach of anyone of the conditions of the bail order, the trial court shall promptly proceed to cancel the bail of the petitioner forthwith.

With the aforesaid direction/observation, this application stands allowed.

(Ashutosh Kumar, J)

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