

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53749 of 2021**

Arising Out of PS. Case No.-60 Year-2018 Thana- IMAMGANJ District- Gaya

RAVINDRA KUMAR @ RAVINDRA SINGH SON OF LATE FATEH
NARAYAN SINGH R/O VILLAGE- RANIGANJ GARERIA, P.S.-
IMAMGANJ, DIST.- GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Aryan Singh, Advocate
Mr. Manish Kumar No2, Advocate
For the Opposite Party/s : Mr. Md. Matloob Rab, APP

**CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER**

3 02-02-2022 Heard Mr. Aryan Singh, learned Advocate for
the petitioner and Mr. Md. Matloob Rab, learned APP for
the State.

The petitioner seeks bail in connection with
Sessions Trial No. 133 of 2018/539 of 2018, arising out
of Imamganj P.S. Case No. 60 of 2018 dated
23.05.2018 instituted for the offences under Section
302 of the Indian Penal Code.

The petitioner is the husband of the deceased.

The prayer for bail of the petitioner was earlier
rejected *vide* order dated 11.09.2020. While rejecting
the prayer for bail, this Court had directed the trial court
to conclude the trial, preferably within a period of nine
months the petitioner was in custody since 23.05.2018



and till the time of rejection of the bail petition, only one witness had been examined.

The petitioner has renewed his prayer for bail.

In the second instance, again a report was called from the court below which has been received. The report dated 04.01.2022 again discloses that apart from the solitary witness who had been examined till last time, there has been no progress in the trial.

True it is that the onset of Covid-19 pandemic has resulted in delays in court proceedings and trials but no witness having been examined for all this while only displays that the process of trial is rather tardy.

This Court cannot shut its eyes to the fact that the petitioner has remained in jail since 23.05.2018 and with this stage of the trial, there is no likelihood of the same being concluded in near future.

So far as the merits of this case is concerned, this Court has been informed that the deceased had fought with the petitioner on one fateful day and when she was trying to destroy the family photographs in reaction, she burnt herself. While extinguishing fire, the petitioner also received burn injuries in his hands.

Be that as it may, this is only the defence of the petitioner.

This Court had rejected the application of bail



of the petitioner in the first instance as one of the child of the deceased had told the informant that the petitioner had assaulted the deceased.

In any view of the matter, considering the fact that the petitioner has remained in jail since 23.05.2018 and there is no likelihood of the trial being concluded in near future, I am inclined to direct for release of the petitioner during the pendency of the trial.

Let the petitioner 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 Additional District and Sessions Judge-Vth, Gaya in connection with Sessions Trial No. 133 of 2018/539 of 2018, arising out of Imamganj P.S. Case No. 60 of 2018, subject to the conditions that he shall participate in the trial on each and every date and before leaving the territorial confines of the trial court, he shall obtain prior permission of the trial court. He shall also get his presence marked before the officer-in-charge of the concerned police station every fortnight and the officer concerned shall not unnecessarily keep the petitioner waiting in the police station and shall mark his presence immediately on his arrival at the police station. If in any manner, the petitioner is found to be threatening the witnesses or



tampering with the evidence, it would be open for the prosecution to proceed for cancellation of his bail and in that event, the trial court shall be perfectly within its rights to cancel the bail granted to the petitioner forthwith. It is also reiterated that the petitioner shall, at the time of furnishing his bonds, give his mobile telephone number which he shall keep in operative condition till the conclusion of the trial.

Any breach of the aforesaid conditions would render the bail granted to the petitioner liable to be cancelled.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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