

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46990 of 2022

Arising Out of PS. Case No.-171 Year-2021 Thana- BARACHATTI District- Gaya

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Jitendra Sao @ Jitendra Kumar, S/O Krishna Sao, Resident of village-
Patiouna, P.S.- Barachatti, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Kundan Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

2 09-12-2022 The applicant/accused in Crime No. 171 of 2021

registered with Barachatti Police Station for the offences

punishable under Sections 304(B) r/w Section 34 of the Indian

Penal Code, by this application is seeking his release on bail

after filing of the charge sheet.

Heard the learned counsel appearing for the
applicant/accused. He argued that the applicant is behind the
bars from 02.07.202. The investigation of the subject crime is
over. It is further argued that wife of the applicant died
because of some ailment while being taken to the hospital and
the information of death is duly given to her parental relatives.
He further argued that as it was COVID period, the State
Authorities have not conducted the postmortem examination
on dead body of wife of the applicant and therefore the dead



body was cremated.

The learned Additional Public Prosecutor opposed the application by contending that the crime in question is serious and therefore, the applicant is not entitled for bail.

I have considered the submissions so advanced and also perused the materials placed before me.

It is a case of the prosecution that the applicant married Rinki Kumari (since deceased) in the year 2018 and after her marriage, the applicant and his relatives started demanding Rs.2,00,000/- (Rs. Two Lac) from parental relatives of Rinki Kumari. They were giving abuses and harassment to Rinki Kumari because of non-fulfilment of this demand. According to the prosecution case, Rinki Kumari died an unnatural death in the house of the applicant on 15.03.2021.

The investigation of the subject crime is over. The charge sheet has already been filed. The witnesses are parental relatives of Rinki Kumari. The applicant is already undergoing pretrial detention from 02.07.2021. In this view of the matter, there may not be any chances of tampering the prosecution evidence nor such apprehension has been expressed. Therefore, further pretrial detention of the applicant is not warranted and hence, the order:-



i. The application is allowed.

ii. The applicant/accused in Crime No. 171 of 2021 registered with Barachatti Police Station for the offences punishable under Sections 304(B) r/w Section 34 of the Indian Penal Code be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing surety of the like amount to the satisfaction of the trial court with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.



The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the appellant/accused.

Bhardwaj/-

(A. M. Badar, J)

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