

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52379 of 2022

Arising Out of PS. Case No.-461 Year-2019 Thana- RAJGIR District- Nalanda

SANTOSH KUMAR Son of Gopal Prasad Resident of village - Bari Milki,
P.S.- Rajgir, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Kumar No.2, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-11-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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

The earlier application for bail of the petitioner was
rejected vide order dated 8.12.2021 passed in Cr. Misc. no.
21719 of 2021.

As per the prosecution case, the daughter of the
informant, who was married to the petitioner herein in the year
2006, was physically and mentally tortured for non-fulfillment
of the demand of dowry. She was ultimately done to death.

It is submitted by learned counsel for the petitioner
that the petitioner has been falsely implicated in the case on



account of his being the husband of the deceased. There is no eye witness to the occurrence. He is in custody since 17.12.2019 and undertakes to co-operate in the trial.

Learned APP for the State submits that the petitioner is the husband of the deceased and the cause of death as per the postmortem examination report is stated to be asphyxia due to strangulation.

A report was called for from the learned trial Court. As per the report received contained in letter dated 17.10.2022 of the I/C Additional District and Sessions Judge-VIII, Biharsharif (Nalanda), inspite of charge being framed against the petitioner who is the sole accused on 7.8.2021 and summons and bailable warrants having been issued by the learned trial Court against the chargesheeted witnesses, no witness has turned up on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the nature of allegation, and the contents of the postmortem examination report, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

However taking into consideration that inspite of charge having been framed in the learned trial Court on



7.8.2021 and inspite of over one year having passed and no charge sheet witness having turned up for examination as a prosecution witness in the trial inspite of summons and bailable warrants having been issued by the Court, liberty is granted to the petitioner to renew his prayer for bail in case there is no substantial progress in the learned trial Court in six months.

(Partha Sarthy, J)

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