

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10246 of 2023

Arising Out of PS. Case No.-289 Year-2020 Thana- LAUKAHA District- Madhubani

Nitish Kumar Kamat @ Nitish Kumar @ Nitish Kamat, Son of Binod Kamat
R/v- Lalmaniya, P.S.- Laukaha (Lalmaniya), Dist- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hriday Narayan Harshit, Advocate

For the Opposite Party/s : Mr. Nagendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 15-03-2023 Learned counsel for the petitioner is permitted to remove the defect(s), if any, as pointed out by the office, within a period of four weeks from today.

Heard Mr. Hriday Narayan Harshit, learned counsel for the petitioner and Mr. Nagendra Prasad, learned APP for the State.

The petitioner is renewing his prayer for bail in connection with Laukaha (Lalmaniya) P.S. Case No. 289 of 2020, giving rise to Sessions Trial No. 155 of 2021, registered for the offences punishable under Sections 302, 304(B), 120(B)/34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was rejected vide order dated 17.05.2022 passed in Cr. Misc. No. 56097 of 2021 after taking into account the fact that the



postmortem report suggests multiple injuries which have not been explained by the petitioner as to how she received all these injuries while she was residing in the house of the petitioner and the petitioner happens to be the husband of the deceased, he is under obligation in law to explain how she received all these injuries. However, taking into consideration the submissions and the materials available on record, *inter alia*, that the deceased had solemnized marriage on account of love with the petitioner and thereafter they started living happily in the family; apart from the independent witnesses have stated that there had never been any allegation of torture or demand of dowry and on the alleged date of occurrence the petitioner and his mother had taken the deceased to the hospital where she died. Hence, liberty was given to the petitioner to renew his prayer for bail after six months, if the trial is not concluded.

On the last occasion, vide order dated 15.02.2023, a report was called from the jurisdictional Court. From perusal thereof, it appears that till date the Investigating Officer and the Doctor have not been examined by the prosecution and it appears that there is no likelihood of conclusion of the trial in near future.

Considering the observations made by this Court as



also the status report, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, Jhanjharpur, Madhubani in connection with Laukaha (Lalmaniya) P.S. Case No. 289 of 2020, giving rise to Sessions Trial No. 155 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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