

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12112 of 2023

Arising Out of PS. Case No.-33 Year-2021 Thana- KASMA District- Aurangabad

OPU RAJAK @ UPPU RAJAK Son of Late Dewan Rajak Resident of
Village - Aapki, P.S. - Kasma, District- Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Shankar Singh, Advocate

For the Opposite Party/s : Mr. Abhay Kumar, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 29-03-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 498(A), 304(B) and 302/34 of the Indian Penal Code.

This is the second attempt of the petitioner to seek bail as earlier by order dated 23.02.2022 in Cr. Misc. No. 56279 of 2021, the prayer for bail of the petitioner was rejected on the ground that the wife and child of the petitioner were alleged to have been killed by the petitioner and his family members.

Learned counsel for the petitioner submits that earlier also when the matter was taken up, a specific plea was made that the deceased-wife of the petitioner in anger took the extreme step and killed herself along with the child as no father, grandfather and grandmother would kill his/her own son and grandson. Learned counsel further submits that already charges have been framed, trial



has commenced and out of six witnesses, two witnesses have been examined.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner and submits that since trial has commenced and two witnesses have been examined, as such, the Court for the present should not release the petitioner on bail.

Considering the submission made by the learned A.P.P., the Court is not inclined to release the petitioner on bail in connection with S.Tr. No. 267 of 2021/233 of 2021 arising out of Kasma P.S. Case No. 33 of 2021 pending in the Court of learned Additional Sessions Judge-VII, Aurangabad/successor Court.

Accordingly, prayer for bail is rejected.

However, in the event, if the trial of the case is not completed within a period of six months from the date of receipt/production of a copy of this order, the petitioner shall be at liberty to renew his prayer for bail before the learned trial court itself and in the event if it is found that the trial could not be completed for no fault of the petitioner then the learned trial court shall pass order in accordance with law keeping in mind the period of custody of the petitioner.

(Satyavrat Verma, J)

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