

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17179 of 2023

Arising Out of PS. Case No.-550 Year-2021 Thana- BUXAR District- Buxar

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RAKESH KUMAR Son of Late Jay Govind Singh R/v- Budhanpurva P.S.-
Buxar (T), District- Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Anand Kumar Ojha, Advocate.

For the Opposite Party/s : Mr. Indu Kumari Srivastava, APP.

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CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

4 03-05-2023 Learned counsel for the petitioner is permitted to
remove defect(s), as pointed out by the office, if any, within a
period of four weeks from today.

Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner has preferred this application for grant
of regular bail in connection with Buxar (Town) P. S. Case No.
550 of 2021 dated 01.12.2021 registered for the offences
punishable under Sections 498A, 307, 435 read with Section 34
of the Indian Penal Code and Section 3/4 of the Dowry
Prohibition Act and later on, Section 306 of the Indian Penal



Code was added.

As per the prosecution case, the marriage of the informant's daughter was solemnized with the petitioner on 07.12.2012. After marriage, the petitioner and co-accused persons started demanding Rs. 1 Lakh as dowry. The informant's daughter Rashmi Priya gave birth to two children from the wedlock. The informant's daughter was burnt by the petitioner and other co-accused persons due to non-fulfillment of the said demand of dowry.

Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. No such occurrence as alleged has ever taken place. Learned counsel has further submitted that as per the post mortem report, no smell of kerosene or petrol was found on the body of the deceased. In the post-mortem report, the cause of death is hypervolumic shock due to severer burning. The petitioner has got clean antecedent as stated in para 3 of the bail petition. Learned counsel has further submitted that the bail petition of the petitioner was earlier rejected vide order dated 12.07.2022 passed in Cr. Misc. No. 15117 of 2022 by this court with a direction to the court concerned to expedite the trial and concluded the same within a period of six months. He also



submitted that the learned court below has reported that out of seven witnesses, only two witnesses have been examined by the prosecution. Learned counsel has further submitted that it is evident from the letter no. 09 of 2023 dated 31.03.2023 that there is laches on the part of the prosecution to produce the witnesses for deposition. The petitioner is in custody since 13.01.2022.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner.

Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court Concerned, Buxar in connection with Buxar (Town) P. S. Case No. 550 of 2021 with the condition:-

1. The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner is liable to be cancelled.

Moreover, learned trial court is directed to expedite the trial and conclude the same within a period of further six



months from the date of the receipt of the order.

The application stands allowed.

(Chandra Prakash Singh, J)

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