

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14397 of 2023

Arising Out of PS. Case No.-601 Year-2020 Thana- BEGUSARAI TOWN District- Begusarai

Manish Bhaiya S/o Ram Badan Singh Resident of Mohalla- Pokharia, Ward
No.- 39, P.S.Town, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Harsh Anuj, Adv.
For the Opposite Party/s	:	Mr. Awadhesh Kumar Singh, APP
For the Informant	:	Mr. Surendra Kishore Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 26-04-2023 Heard Mr. Harsh Anuj, learned counsel for the petitioner, Mr. Surendra Kishore Thakur, learned counsel for the informant and Mr. Awadhesh Kumar Singh, learned Additional Public Prosecutor for the State.

By filing the present application, the petitioner is renewing his prayer for bail in connection with Sessions Trial No. 45 of 2023 arising out of Town P.S. Case No. 601 of 2020 registered for the offences punishable under Sections 498A, 323, 304B, 302 and 120B/34 of the Indian Penal Code.

Earlier, the prayer for bail of the petitioner was rejected vide order dated 06.07.2022 passed in Cr. Misc. No. 46694 of 2021, considering the fact that the death of the victim was occurred within seven years of her marriage, other than the



normal circumstance and soon before her death, she was subjected to torture inasmuch as the post-mortem report also suggests that she was strangled.

Learned counsel for the petitioner submitted that now the charges have already been framed on 29.03.2023 and there are altogether eleven charge-sheet witnesses, apart from the I.O. and the doctor and, as such, he submits that there is no likelihood of the conclusion of the trial in near future. He further submitted that so far the other family members of the petitioner are concerned, interim protection has been given to them by the learned Co-ordinate Bench of this Court vide order dated 19.05.2022 passed in Cr. Misc. No. 27365 of 2021. He next submitted that this is the case where materials have come that the deceased has committed suicide and the same has been corroborated by the witnesses during the course of investigation. He lastly submitted that the petitioner is in custody since 01.11.2020 having fair antecedent.

The aforesaid submission has been vehemently opposed by the learned counsel for the informant and submission has been made at the Bar that the petitioner is the husband of the deceased and she has been done to death within five years of her marriage and moreover the prayer for bail of



the petitioner has already been rejected on merit and there is no overwhelming circumstances warranting reconsideration of his prayer for bail. He further submitted that witnesses will fully cooperate in the trial and all of them will produce before the Trial Court within a period of six months.

Learned counsel for the State also opposed the bail application.

Regard being had to the submissions made on behalf of the parties and considering the fact that the charges have already been frame and there is no likelihood of the conclusion of the trial in near future, coupled with the period of custody and having fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XI, Begusarai in connection with Sessions Trial No. 45 of 2023 arising out of Town P.S. Case No. 601 of 2020, subject to the condition that one of the bailors will be the close relatives 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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