

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22652 of 2022

Arising Out of PS. Case No.-207 Year-2018 Thana- RAFIGANJ District- Aurangabad

JAGDISH RIKIYASHAN Son of Late Kauleshwar Bhuiyan @ Koleshwar Bhuyan Resident of Village - Bhuiyan Bigha, P.S. - Rafiganj, District – Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pramendra Kumar Singh, Adv.
For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 17-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant who was married to the petitioner about twenty years ago was killed by her husband ie the petitioner herein.

It is submitted by learned counsel for the petitioner that the informant is not an eye witness to the alleged occurrence. An unfounded suspicion has been raised against him in the F.I.R. Referring to the various paragraphs of the case diary, learned counsel submits that no material has transpired in



course of investigation to connect the petitioner with the alleged crime. It has come in course of investigation that even the son of the deceased was sleeping with her and he has not made any statement against this petitioner. There are no eye witness to the occurrence. The petitioner has remained in custody for 4 years and there is no progress in the learned trial court in so far as not a single witness has been examined on behalf of the prosecution.

Heard learned A.P.P. for the State.

A report was called from the learned trial court. As per the report received, the case is at the stage of prosecution evidence. The report does not state about examination of any witness on behalf of the prosecution.

Having heard learned counsel for the parties and taking into consideration the submission made on behalf of the petitioner, the material that has transpired in course of investigation, the stage of the case in the learned trial court and the petitioner having remained in custody for over 4 years since 23.12.2018, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.108 of 2019 (arising out of Rafiganj P.S. Case no.207 of 2018) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of



the like amount each to the satisfaction of the learned Additional
Sessions Judge-15, Aurangabad.

(Partha Sarthy, J)

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