

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27726 of 2023

Arising Out of PS. Case No.-196 Year-2018 Thana- GORIAKOTHI District- Siwan

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Ajay Ram Son Of Surendra Ram Resident Of Village - Agya Mathiya, P.S.-
Gauraiyakoythi, District - Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Prabhakar Singh

For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 27-06-2023 Heard learned counsel appearing on behalf of the
petitioner and learned APP appearing on behalf of the State.

The petitioner seeks bail in connection with
Goreakothi P.S. Case No.196 of 2018 registered for the offence
under Sections 304-B and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 09.12.2021.

The allegation against the petitioner is to cause death
of the daughter of the informant, who is none but the wife of
this petitioner alongwith other co-accused persons/family
members due to non-fulfillment of demand of dowry as raised
for cash of Rs. 50,000/- (Rupees Fifty Thousand) and a golden
chain.

Learned counsel appearing on behalf of the petitioner



submitted that almost all prosecution witnesses including doctor has been examined in the present case and since October 2022, examination of two police personnel is pending, who are investigating officer of this case. It is submitted that even the learned Trial Court is vacant since last two months. While travelling over the argument it is submitted that all witness become hostile including informant and as such keeping this petitioner for any further time period behind bars shall not serve any purpose to justice, particularly under the circumstance that when basic ingredients of dowry death as mentioned under Section 304-B of the Indian Penal Code is not appearing convincing on its face. It is also submitted that petitioner is in custody since 09.12.2021 and trial is not likely to conclude in the near future. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has already been submitted, as such, there is no chance of tampering with the evidence.

Learned APP appearing on behalf of the State, opposes the prayer for bail.

In view of the facts and circumstances as mentioned above as trial is not likely to conclude in the near future, where



during the course of trial informant and other prosecution witnesses become hostile coupled with the fact that charge-sheet has already been submitted, where petitioner is in custody since 09.12.2021, let above named petitioner is directed to be released on bail in connection with Goreakothi P.S. Case No.196 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 learned Additional Sessions Judge-XI, Siwan/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C.

(Chandra Shekhar Jha, J.)

S.Tripathi/-

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