

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29745 of 2023

Arising Out of PS. Case No.-161 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Nandan Kumar Son of Rajendra Prasad @ Rajendra Raut Resident of village -
Bari Pahari, P.S. - Laheri, Distt. - Nalanda

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 17-05-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt of the petitioner to seek bail from this Court in connection with Sessions Trial No. 584 of 2021, arising out of Laheri P.S. Case No. 161 of 2021 registered on 18.04.2021 for the alleged offences under Sections 304B/34 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was rejected vide order dated 29.06.2022 passed in Cr. Misc. No. 62544 of 2021. However, liberty was granted to the petitioner to renew his prayer for bail, if the trial is not concluded within six months.

4. As per prosecution case, the petitioner compelled his wife to commit suicide and since the death occurred within seven years of marriage, the case of dowry death was registered.



5. Learned counsel for the petitioner submits that out of 8 witnesses named in the charge sheet only 2 witnesses have been examined till date and there is no chance of early conclusion of the trial. Learned counsel further submits that the petitioner is a young man and it has come in the deposition of the informant and other witnesses that there was cordial relationship between the petitioner and the deceased-wife and this fact has been mentioned in the rejection order of the learned Additional Sessions Judge-IV -cum- Special Judge POCSO Court. If there was cordial relationship between the petitioner and the deceased, there was no reason for the deceased to consume poison or administer to poison. Learned counsel further submits that may be for the anger the deceased might have consumed poison. The petitioner is in custody since 19.04.2021 and there is no chance of tampering the evidence if the petitioner is enlarged on bail.

6. Learned APP opposes the prayer for bail submitting that no fresh ground has been brought on record except the delay in conclusion of trial.

7. Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the deposition of informant stating cordial relationship between the petitioner and the deceased and considering the delay in



conclusion of the trial and further considering the period of custody of the petitioner, the petitioner above named is directed to 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 Additional Sessions Judge-VI -cum- Special Judge POCSO Court, Nalanda at Bihar Sharif/concerned court in connection with Sessions Trial No. 584 of 2021, arising out of Laheri P.S. Case No. 161 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

DKS/-

U		T	
---	--	---	--

