

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31157 of 2023

Arising Out of PS. Case No.-351 Year-2021 Thana- ROSERA District- Samastipur

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Rohit Kumar @ Rohit Rai @ Rohit Kumar Rai, Son of Sri Bipin Rai, R/O-
Darha, Ward No. 12, P.S.- Rosera, Distt.- Samastipur. Petitioner

Versus

The State of Bihar Opposite Party

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Appearance :

For the Petitioner : Mr. Amit Kumar Anand, Advocate

For the Opposite Party : Mr. Sanjay Kumar Pandey, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 24-06-2023 Heard Mr. Amit Kumar Anand, learned counsel for
the petitioner and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with S.T. No. 109 of 2023, arising out of Rosera P.S. Case No.351 of 2021, registered for the offences punishable under Sections 498(A) and 304(B)/34 of the Indian Penal Code.

The marriage of the sister of the informant was solemnized with the petitioner four years ago. However, soon after the marriage, she was subjected to demand of dowry and on non-fulfillment of the same all the family members, including the petitioner, assaulted and tortured the deceased by various means.

Learned counsel appearing on behalf of the petitioner submits that this is a case of suicide wherein on account of some altercation and annoyance the deceased herself committed suicide, which fact has also corroborated from the postmortem



report. He further submits that the petitioner was put on trial and altogether six prosecution witnesses have been examined, however, none of them have supported the case of the prosecution. Furthermore, the informant has turned hostile and he denied the allegation of demand of dowry and torture at the hands of the petitioner. The copies of deposition of the witnesses have been brought on record by way of Annexure- 2 series to the application. It is lastly submitted that now in such a situation, keeping the petitioner behind the bar would serve no purpose, in a case, where none of the witnesses have supported the prosecution case. The petitioner is in custody since 7.11.2022.

On the other hand, learned APP for the State vehemently opposes the bail application and submits that the trial is at the fag end and the release of the petitioner would certainly hamper the trial.

Regard being had to the submissions made on behalf of the parties and considering the depositions of the informant as well as the doctor, coupled with the post-mortem report and the undertaking given by the petitioner that he will remain physically present on each and every date fixed by the trial court till its conclusion, let the petitioner, named above, be released



on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, Rosera, Samastipur in connection with S.T. No. 109 of 2023, arising out of Rosera P.S. Case No.351 of 2021,, 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 physically 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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