

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44493 of 2023

Arising Out of PS. Case No.-178 Year-2020 Thana- ATHMALGOLA District- Patna

Sonu Kumar Son of Lal Babu Ray Resident of Village - Ganjpar, P.S.-
Athmalgola, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Kashyap, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

3 06-09-2023 Let the defect(s), if any, be removed within two weeks
from today.

2. Heard learned counsel for the petitioner and learned
A.P.P. for the State.

3. The petitioner seeks regular bail in connection with
S.Tr. No. 165 of 2023 arising out of Athmalgola P.S. Case No.
178 of 2020 dated 17.07.2020, lodged under Sections 304(B)/
34 of the I.P.C.

4. As per the prosecution case, the informant has
disclosed that marriage of his sister was solemnized with the
petitioner on July, 2019, as per Hindu Rites and Rituals. It has
been alleged that there was torture from the petitioner's side for
demand of dowry and there was a continuous threat to kill. It
was informed to the informant that his sister was killed, then the

F.I.R. has been lodged against the petitioner and his family members.

5. Learned counsel for the petitioner submits that the antecedent of the petitioner is clean and he is in custody since 07.11.2022 in which charge has been framed on 27.02.2023. Counsel submits that the petitioner has actually not committed the crime rather he is victim in this case.

6. Learned counsel for the petitioner further submits that vide order dated 25.07.2023, the case diary, post-mortem report and the status report of the petitioner's trial have been called for. Upon going through the status report, it transpires that there were in total six prosecution witnesses in this case and out of six prosecution witnesses, examination of four prosecution witnesses have been completed. Only two prosecution witnesses are yet to be examined.

7. Learned counsel for the State opposes the prayer for bail and submits that it is an offence lodged under Section 304(B)/ 34 of the I.P.C. and petitioner is the husband. Counsel further submits that two prosecution witnesses are yet to be examined.

8. In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail

to the petitioner and, therefore, his bail petition is hereby rejected.

9. The Trial Court is directed to expedite the trial as early as possible.

10. If the trial shall not be concluded within six months from today, then the petitioner shall be at liberty to move for bail.

11. With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

sadique/-

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