

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49939 of 2023**

Arising Out of PS. Case No.-630 Year-2021 Thana- MAJHAULIA District- West Champaran

Rahul Kumar Singh S/O Nageshwar Singh R/O Village- Rajabhar, Ps.
Majhauria, Dist. West Champaran

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Advocate

For the Opposite Party/s : Mr. Parmanand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 08-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Pursuant to order dated 02.08.2023, a report has been received from the learned trial court, wherein it has been submitted that none of the witnesses have been produced on behalf of prosecution out of nine witnesses.

03. This is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 25.01.2023 passed in Criminal Misc. No. 43639 of 2022.

04. In the present case, the petitioner seeks bail in connection with Session Trial No. 676 of 2022 (CIS No. 497 of 2022) arising out of Majhauria P.S. Case No. 630 of 2021



registered on 16.11.2021 for the alleged offences under Sections 304(B)/34 of the Indian Penal Code.

05. As per prosecution case, the daughter of the informant died in her matrimonial home on 16.11.2021. Allegation against the petitioner-husband is that he and other co-accused persons have been demanding an Alto Car in dowry and on non-fulfillment their demand, they sprinkled kerosene oil on the daughter of the informant and set her on fire. The marriage of the daughter of the informant was solemnized with the petitioner in the year 2021.

06. Learned counsel appearing on behalf of the petitioner submits that though a direction was given to the learned trial court to conclude the trial at the earliest while rejecting the prayer for bail of the petitioner, till date not a single witness has been examined in this case. The petitioner is in custody since 26.11.2021 and there is no chance of any early conclusion of the trial. Learned counsel further submits that the petitioner also received injuries while saving his wife, who died in an accidental death. There was cordial relationship between the petitioner and the deceased. The police has also not considered the statement of the witnesses as one of the witnesses stated about the deceased setting herself on fire.



07. Learned APP for the State opposes the submission made on behalf of the petitioner. Learned APP submits that no new ground has been shown to re-consider the case of the petitioner for grant of bail.

08. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that none of the witnesses have been examined though 09 witnesses have been named in the charge-sheet and there appears no likelihood of conclusion of the trial in the near future 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 5th Additional District & Sessions Judge, Bettiah at West Champaran in connection with Session Trial No. 676 of 2022 (CIS No. 497 of 2022) arising out of Majhauria P.S. Case No. 630 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and 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 for three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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