

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59574 of 2023

Arising Out of PS. Case No.-179 Year-2021 Thana- AKBARPUR District- Nawada

LALIT RANJAN @ LALI S/O BIRENDRA SINGH R/O VILLAGE- DUD-
HAULI, PS. AKBARPUR, DIST. NAWADA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sharma
For the Opposite Party/s	:	Mr.Mukesh Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 06-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 221 of 2022/49 of 2022 arising out of Akbarpur P.S. Case No. 179 of 2021, G.R. No. 909 of 2021 registered for the offences punishable under Sections 302 and 34 of the Indian Penal Code.

3. As per prosecution case, the informant solemnized the marriage of her sister (since deceased) with the petitioner nine years ago and two daughters were born out of their wedlock. It is further alleged that after marriage the petitioner used to torture informant's sister and his sister complained the said facts to the informant and her father several times. Thereafter, the informant and others tried to settle the



matter but the petitioner was not ready to settle, therefore, informant's wife made complaint in Mahila Helpline, Sheikhpura but in spite of that the petitioner used to torture his wife and put pressure upon her for birth of male issue. It is further alleged that on 17.03.2021 the informant received information that his sister died, thereafter, the informant with his family members went to her sister's house where he found her dead body and pressing mark of rope on neck of his sister was also found as well as a long plastic rope was hanging with the hook of roof. It is further alleged that just before death on 16.03.2021 at about 07:00 P.M. his sister talked to cousin Gotani on mobile and told that she was again assaulted and she was threatened that she would be killed before the marriage of brother.

4. Learned counsel for the petitioner submits that petitioner is in custody since 09.04.2022 and bears no criminal antecedent. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that on 19.01.2023 the bail of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 45587 of 2022 with an observation that if the trial is not concluded within six months from the date of receipt of this order, the petitioner may renew his prayer for bail. He further submits that the present bail



petition of the petitioner has been filed after seven months from the date of earlier rejection of bail prayer of the petitioner. He further submits that pace of the trial is very slow and delay of trial is not attributable to the present petitioner as he is in custody since 09.04.2022 which is near about one year and six months.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 232/2023 has sent its report which reveals that only one witness has been examined till today.

7. Considering the facts and circumstances of the case, period of custody, trial is not concluded within the stipulated period of six months and delay of trial is not attributable to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail 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-VIII, Nawada in connection with Sessions Trial No. 221 of 2022/49 of 2022 arising out of Akbarpur P.S. Case No. 179 of 2021, G.R. No. 909 of 2021, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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