

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63290 of 2023**

Arising Out of PS. Case No.-519 Year-2021 Thana- JAGDISHPUR District- Bhojpur

MAHESH GOAR @ MAHESH GOND @ MAHESH PRASAD SON OF
TARKESHWAR RAM TALKESHWAR GOAR @ TARKESHWAR
PRASAD RESIDENT OF VILLAGE- DHAMWAL, PS- SHAHPUR, DISTT-
BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jagannath Singh, Advocate Mr. Md. Ghulam Mustafa, Advocate Mr. Bhargava Pandey, Advocate
For the Opposite Party/s	:	Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 13-10-2023 Heard Mr. Jagannath Singh, learned Counsel for the
petitioner and learned APP for the State.

2. The petitioner is in custody in connection with Jagdishpur P.S. Case No. 519 of 2021 arising out of Sessions Trial No. 164 of 2022 for the offence under Sections 304B, 201 and 34 of the Indian Penal Code lodged on 13.12.2021 by the informant, Ajay Kumar Goar.

3. As per the prosecution story, the informant has alleged that his daughter Madhu was married to the petitioner since 2017 and on the fateful day, the petitioner informed him telephonically/video call that she is dead and also showed the dead body through that video call with further information that



they are going to cremate the body. The informant has alleged that the petitioner was having illicit relationship with his sister-in-law (Bhabhi) which was protested by his daughter and this resulted into her death. Accordingly, the FIR.

4. Earlier the case of the petitioner was heard and rejected on 08.09.2022 in Cr. Misc. No. 33066 of 2022.

5. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide Letter no. 20 dated 27.09.2023 according to which, three out of six witnesses have been examined and the next date of hearing was 03.10.2023.

6. Learned counsel for the petitioner submits that he was having a good relationship and her unfortunate suicide was given the colour of murder and he has already suffered by being in custody since 22.02.2022 (as stated in paragraph 16 of the petition).

7. Learned APP for the State, on the other hand, opposes the prayer for bail stating that the trial is on.

8. Mr. Jagannath Singh, learned Counsel for the petitioner submits that the petitioner is ready to appear in trial on each and every date and failure on a single date, the Trial Court will be free to cancel his bail bond. He as such, prays for



relief in the matter.

9. Taking into account the fact that he has remained in custody since 22.02.2022, do not have criminal antecedent, will be diligently appearing in trial and in case of his failure to appear on even a single date, the Trial Court shall take steps for cancellation of his bail bond, this Court is inclined to extend him privilege of bail.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District & Sessions Judge-X, Bhojpur, Ara in connection with Jagdishpur P.S. Case No. 519 of 2021 arising out of Sessions Trial No. 164 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned



police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

11. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

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

