

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72096 of 2021

Arising Out of PS. Case No.-274 Year-2019 Thana- KAUWAKOL District- Nawada

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Nakul Singh Son of Sahdeo Singh Resident of Village - Amarpur, Tola -
Manjhila, Police Station - Kawakole, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deepak Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE A. M. BADAR

ORAL ORDER

2 18-01-2023 The applicant is accused in Crime No. 274 of 2019

registered with Kawakole Police Station giving rise to Sessions

Trial No. 50 of 2021/2 of 2021 for the offences punishable

under Sections 304(B), 201 and 120(B) of the Indian Penal

Code. By this application he is seeking his release on bail

during pendency of the trial after filing of the charge-sheet.

His first bail application was rejected with a direction

to expedite the trial and to conclude the same within a period of

nine months from the date of receipt of the order dated

15.01.2021.

The learned counsel for the applicant argued that the

applicant's husband is behind bars from 11.09.2019 and the trial

is not concluded despite the order dated 15.01.2021 passed by

the coordinate Bench of this Court in Cr. Misc. No. 25428 of

2020. It is further argued that other accused persons are already released on bail.

The learned Additional Public Prosecutor opposed the application.

I have considered the submissions so advanced and also perused the materials placed on record.

It is a case of the prosecution that Kajal Kumari (since deceased) married the applicant in the year 2017 and after marriage, on account of demand of dowry of Rs. 100000/- and gold chain weighing 10 gms, she was subjected to cruelty and harassment by the applicant. She died otherwise done in natural circumstances on 04.09.2019.

The investigation of the subject crime is over. The applicant is behind bars from 11.09.2019. The offence is not exclusively punishable with life imprisonment or death sentence. Hence further pre-trial detention of the application is not warranted and, therefore, the order :-

- i. The application is allowed.
- ii. The applicant/accused in Crime No. 274 of 2019 registered with Kawakole Police Station giving rise to Sessions Trial No.50 of 2021/2 of 2021 be released on bail on executing P.R. bond of Rs.10,000/- (Rupees Ten Thousand) on furnishing

surety of the like amount to the satisfaction of the Learned Additional District Judge – VIII, Nawada with the following conditions: -

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the trial court in expeditious disposal of the trial against him.

(III) The applicant/accused should not contact the members of the prosecuting party as well as witnesses in this case in any manner till conclusion of the trial.

(IV) The applicant should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant/accused.

Aditi/-

(A. M. Badar, J)

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