

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70501 of 2022**

Arising Out of PS. Case No.-181 Year-2021 Thana- VIJAYEPUR District- Gopalganj

GAURAV KUMAR GUPTA S/O NAND LAL GUPTA Resident of village-
Farusahan, Navtan, P.S.- Vijayipur, District- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Adv.

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

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 21-04-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bijaipur
P.S. Case No. 181 of 2021 dated 04.09.2021 registered for the
offence under Sections 304(B)/34 of the Indian Penal Code.

The sister of the informant is subjected to assault and
torture on account of non-fulfillment of demand of dowry by the
petitioner and others and she has finally been done to death for
want of dowry.

Learned counsel appearing for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and
has falsely been implicated in this case. He further submits that
the petitioner happens to be husband of the deceased and he has
never demanded any dowry nor he assaulted the deceased in any



manner. He further submits that as a matter of fact, the deceased herself committed suicide and this fact has also surfaced during course of the investigation. He further submits that the petitioner has no concern at all with the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 04.03.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 04.04.2023 which has been received and forms part of this application at Flag-R. On perusal thereof, it would reveal that charge has been framed on 01.03.2023 against the accused persons including the petitioner but till date the prosecution has not examined any witnesses.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future as there appears to be no substantial progress in the trial and the petitioner is languishing in judicial custody since 04.03.2021 i.e more than two years.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial



Magistrate, Gopalganj in connection with Bijaipur P.S. Case No. 181 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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