

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16455 of 2024

Arising Out of PS. Case No.-311 Year-2020 Thana- DURGAWATI District- Kaimur (Bhabua)

Guddu Ram Son of Late Buteshwar Ram Resident of Village- Dhanechha,
P.S.- Durgawati, District- Kaimur (Bhabua)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Upendra Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 03-04-2024 1. Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for grant of regular bail in connection with S.Tr. no. 196 of 2021 arising out of Durgawati P.S. Case no. 311 of 2020 registered under sections 302, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner was allegedly having relationship with his *bhabhi*. The informant's sister i.e. wife of the petitioner was done to death and the body disposed of.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 12.7.2023 passed in Cr. Misc. no. 30251 of 2023 giving liberty to the petitioner to renew his prayer for bail in case the



trial does not conclude within a period of six months for no fault of the petitioner. It is submitted that more than 8 months have passed since the order dated 12.7.2023 and there is no chance of the trial concluding in the near future. The petitioner who is in custody since 16.1.2021 undertakes to cooperate in the trial.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per the report received two witnesses out of the six charge-sheet witnesses have been examined on behalf of the prosecution. The report further states that with respect to the other witnesses inspite of all processes having been issued against witnesses including letter to the Superintendent of Police, Bhabua to ensure the appearance of the witnesses, no witnesses has been produced.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R, the petitioner being in custody for more than 3 years since 16.1.2021, observation given in the earlier order of rejection dated 12.7.2023 and the witnesses not appearing on behalf of the prosecution in the learned trial Court, the petitioner is directed to be enlarged on bail in connection with S.Tr. no.



196 of 2021 arising out of Durgawati P.S. Case no. 311 of 2020
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 District and Sessions Judge-XIth, Kaimur at
Bhabua.

(Partha Sarthy, J)

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