

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37577 of 2024

Arising Out of PS. Case No.-412 Year-2019 Thana- VAISHALI District- Vaishali

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Ajay Jha @ Ajay Kumar Jha son of Late Nagendra Jha Vill- Jarang Rampur
Ps- Vaishali Belsar OP Dist- Vaishali

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Surendra Kishore Thakur

For the Opposite Party/s : Mr.Rana Randhir Singh

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 13-09-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Vaishali (Belsar O.P.) P.S. Case No. 412 of 2019 registered for
the offences punishable under Sections 304(B), 201, 34 of the
Indian Penal Code.

3. As per prosecution case, petitioner and others are
said to have committed the murder of informant's daughter for
non-fulfillment of demand of dowry.

4. Learned counsel for the petitioner submits that
petitioner is quite innocent and has committed no offence as



alleged in the FIR and he has falsely been implicated in this case. Petitioner bears no criminal antecedent. He further submits that information was given to the informant regarding the commission of suicide by the victim and petitioner is not responsible for the said occurrence. He further submits that demand of dowry was not made. The petitioner has not abetted the victim for commission of crime. He further submits that not a single witness has been examined in this case, even trial is still pending at the stage of appearance of the accused persons and the pace of trial is so slow that trial cannot be concluded in near future. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 14.08.2022. Charge sheet has been submitted and there is no likelihood of tampering with the prosecution evidence. There is no flight risk.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner and submits that petitioner is husband of the deceased and allegation levelled in the FIR is corroborated and supported by the postmortem report.

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. 50 dated 30.08.2024 has sent its report which reveals that case is running on the stage of appearance and



charge has not been framed as yet.

7. Considering the facts and circumstances of the case, keeping in view clean antecedent of the petitioner, trial is still pending at the stage of appearance of accused and not a single witness has been examined as yet despite being the petitioner is in custody for more than two years, 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 Chief Judicial Magistrate, Vaishali at Hajipur/concerned court in connection with Vaishali (Belsar O.P.) P.S. Case No. 412 of 2019, 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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