

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45387 of 2024

Arising Out of PS. Case No.-319 Year-2022 Thana- PARASBIGHA District- Jehanabad

Raju Kumar S/o Late Rajaram Sao R/O Village Pandui, P.S. Parasbigha,
District Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vinay Mistry, Adv

For the Opposite Party/s : Mr.Md. Mushtaque Alam, APP

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 26-07-2024 Heard learned senior counsel for the petitioner,

learned counsel for the informant and learned APP for the State.

2. This is the second attempt of the petitioner for grant of regular bail as earlier the bail application was rejected vide order dated 13.12. 2023 passed in Cr. Misc. No. 66806 of 2023, which reads as under :-

*Heard learned counsel for the
petitioner and learned APP for the
State.*

*2. The petitioner seeks bail in
connection with Parasbigha P.S.Case
No. 319 of 2022 registered for the
offence punishable under Sections
304B/34 of the Indian Penal Code.*

*3. As per the prosecution case,
deceased has been killed by the*



petitioner and other co-accused for demand of dowry.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 03.01.2023, he is quite innocent and has not committed any offence. Petitioner is the husband of the deceased.

5. Learned APP has vehemently opposed the prayer for bail.

6. Considering the allegation levelled against the petitioner, I am not inclined to grant bail to the petitioner. This application is dismissed.

7. The court below is directed to expedite the trial of the petitioner.

8. The petitioner may renew his prayer for bail, if there is no sufficient progress in the trail.

3. It has been argued by the learned counsel for the petitioner that after dismissal of the bail application of the petitioner, the prosecution has produced only one witnesses that



is three witnesses were examined before the rejection of the bail application of the petitioner and one witness has been examined after 13.12.2023 that is in the last eight months only one prosecution witnesses have been examined. The petitioner is in jail since 03.01.2023. When the petitioner is in jail , it is the duty of the informant to co-operate in the trial and produce the witnesses. The prosecution cannot take advantage of incarceration of the petitioner and not produce the witnesses and oppose prayer of bail.

4. Considering the aforesaid facts and circumstances, the custody of the petitioner and none- co-operation of the prosecution in producing the witnesses, I am of the view that petitioner, who is in custody has a right for speedy trial and this is being violated by the informant, this application is allowed, let the above named, petitioner is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) each with two sureties of the like amount each to the satisfaction of the learned Additional Session Judge-1, Jehanabad in connection with Parasbigha P.S.Case No. 319 of 2022.

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(Sandeep Kumar, J)

