

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58182 of 2024

Arising Out of PS. Case No.-176 Year-2021 Thana- BAHADURPUR District- Patna

Amit kaushal son of Suresh Mahto Resident of Kaushal Sadan, Rampur, P.S-
Bahadarpur, District- Patna, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kaushal Jha, Sr. Advocate
	:	Mr. Prabhat Kumar Singh, Advocate
For the State	:	Mr. Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 18-10-2024 Heard Mr. Kaushal Jha, learned counsel for the
petitioner, learned APP for the State as also Mr. Pankaj
representing informant.

2. The petitioner is in judicial custody in connection
with Session Trial No. 579 of 2024 arising out of Bahadurpur
P.S. Case No. 176 of 2021 for the offences punishable under
Sections 304(B), 120-B and 34 of the Indian Penal Code, lodged
on 07.08.2021 by the informant, Arun Mahto.

3. As per the prosecution story, the marriage of the
deceased with the petitioner was solemnized on 20.06.2021 but
within two months, the information came about her killing.
Though, dowry was given to the accused side but their demand
was continuing and this was informed by the lady on phone.



Accordingly, the F.I.R.

4. The petitioner is the husband and considering his responsibility in preventing the unfortunate death, his bail application was rejected on 03.08.2022 in Cr. Misc. No. 19239 of 2022 (Annexure P/1 to the petition) with a direction to the Trial Court to expedite the same and conclude within a period of one year.

5. Almost two years have passed and the trial has not been concluded. It is the contention of learned Senior Counsel that even the charges have not been framed in the matter. The further submission put forward by the learned Senior Counsel is that the lady committed suicide, the materials on record show that the police as also the locals broke and opened the door whereafter the lady was hanging to the ceiling. It is his submission that the petitioner remained in custody for more than three years and if granted relief, will be diligently appearing in trial without fail.

6. Learned counsel for the informant on the other hand opposed the prayer for bail submitting that he belongs to a family of police official and as such the investigation has been manipulated.

7. However, there is nothing on record to show any



document nor any counter affidavit has been filed in this regard.

8. The fact remains that while rejecting the bail application of the petitioner earlier, as incorporated above, the Trial Court was directed to conclude the trial within a period of one year. The further fact is that the trial could not be concluded and as per the learned Senior Counsel for the petitioner duly endorsed by the learned counsel for the informant, the charges have not yet been framed. In this background, considering the fact that the petitioner do not have criminal antecedent, undertakes to diligently appear in trial and he is in custody for more than three years, this Court is inclined to extend him the privilege of bail.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge-IV, Patna City, Patna in connection with Session Trial No. 579 of 2024 arising out of Bahadurpur P.S. Case No. 176 of 2021, subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date



before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in now way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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