

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64114 of 2024

Arising Out of PS. Case No.-158 Year-2022 Thana- CHARPOKHARI District- Bhojpur

Ujjawal Kumar Singh @ Ujjawal Kumar Son of Jitendra Singh R/o -Village-
Hawelipur, PS- Charpokhari, District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Advocate
For the Informant	:	Ms. Rushali, Advocate
For the Opposite Party/s	:	Mr. Ahmad Ali, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 25-10-2024 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner, Ms. Rushali, learned counsel for the
Informant and Mr. Ahmad Ali, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
21.09.2022, in connection with Sessions Trial No. 266 of 2023
arising out of Charpokhari P.S. Case No. 158 of 2022, F.I.R.
dated 17.08.2022 registered for the offences punishable under
Sections 304(B), 328/34 of the Indian Penal Code.

3. Earlier the bail petition of the petitioner was
rejected vide order dated 11.09.2023 passed in Cr. Misc. No.
27154 of 2023.

4. Learned Senior counsel for the petitioner submits
that the petitioner, who is of clean antecedent, is innocent and



has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R. and the petitioner has been made accused in the present case merely on the ground that the petitioner is the husband of the deceased and from perusal of the F.I.R. it appears that the date of occurrence as alleged in the F.I.R. on 05.08.2022 but the present F.I.R. has been instituted on 17.08.2023 after delay of 12 days without any explanation afterthought only to falsely implicate the petitioner. In fact the deceased was admitted to Hospital in Patna and after discharge on 10.08.2022 she had gone to her paternal home where her condition got deteriorated and died. In view of the aforesaid, no case is made out under Section 304(B) of the Indian Penal Code.

5. Vide order dated 06.09.2024, a report was called for with regard to the stage of the trial. The report of the learned Trial court dated 09.09.2024 reveals that out of nine chargesheeted witnesses, six witnesses have already been examined. Learned counsel for the Informant submits that now seven prosecution witnesses have been examined.

6. Learned Seniorcounsel for the petitioner submits that in view of the report of the learned Trial court, the trial is



not concluded in near future and the petitioner is in custody since 21.09.2022.

7. Learned counsel for the Informant as well as learned Additional Public Prosecutor for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances of the case and in view of the allegation as alleged in the F.I.R. as well as the period of custody, 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 1st Additional Sessions Judge cum Special Judge, SC/ST Act, Bhojpur at Ara in connection with Sessions Trial No. 266 of 2023 arising out of Charpokhari P.S. Case No. 158 of 2022, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move



for cancellation of bail.

(3) 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 antecedents, 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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