

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66615 of 2024

Arising Out of PS. Case No.-40 Year-2018 Thana- BANDEYA District- Aurangabad

Amarnath Kumar Sao @ Amarnath Kumar, Son of Naresh Sao, Resident of
Village - Malhad, P.S. - Bandeya, District - Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Bhaskar Shankar, Advocate
For the Informant	:	Mr. Ajay Mishra, Advocate
For the State	:	Mr. Surendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 25-10-2024 Heard Mr. Krishna Pd. Singh, learned senior
counsel for the Petitioner, Mr. Ajay Mishra, learned counsel for
the informant and Mr. Surendra Kumar, learned APP for the
State.

2. Petitioner seeks regular bail in connection with
Sessions Trial Case No. 10/23/45/24 arising out of Bandeya P.S.
Case No. 40 of 2018 dated 01.12.2018 registered for the
offences punishable under Sections 304 B and 120 B of the
Indian Penal Code.

3. The main submissions advanced by learned senior
counsel appearing for the petitioner are that this is the third
attempt of the petitioner to get the relief of regular bail. The
fresh grounds taken by the petitioner in this petition are
petitioner's long custody period and the stage of his trial, the



petitioner has been languishing in jail since 07.05.2022 and out of thirteen prosecution witnesses only seven witnesses have been examined till date which shows that there is no chance of conclusion of the trial of the petitioner in the near future and so far as the merit of the allegation is concerned, the deceased died of taking poisonous material namely celphos and when her condition deteriorated, the petitioner himself admitted her at Ram Ratan Hospital and later on, the informant got the information of his daughter's demise and thereafter, he participated in the funeral of the deceased and in this regard, he has also accepted the said fact in his cross-examination before the trial court but he lodged the FIR one month after the death of the deceased which in itself is sufficient to show the *malafide* intention of the informant.

4. Learned counsel appearing for the informant has vehemently opposed the bail prayer of the petitioner and submitted that the petitioner is the main accused and he is the husband of the deceased and the deceased was administered poison by this petitioner and his family members in her tea when she was going to attend an examination and in course of travelling, her condition deteriorated and the petitioner is mainly responsible for her death.



5. Heard both the sides and perused the relevant materials. Though, there is serious allegation against this petitioner but considering his custody period which has been about two years and five months and also the fact that out of thirteen prosecution witnesses only seven witnesses have turned up before the trial court and there may be some delay in the conclusion of the trial of the petitioner and further, as per above submission, the informant accepted in his cross-examination before the trial court that he participated in the funeral of his deceased daughter and even then he remained silent for one month and did not take any step to register the FIR, considering these aspects, this Court is now inclined to grant the relief of bail to the petitioner. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial Case No. 10/23/45/24 arising out of Bandeya P.S. Case No. 40 of 2018.

(Shailendra Singh, J)

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