

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78884 of 2023

Arising Out of PS. Case No.-193 Year-2021 Thana- BIDUPUR District- Vaishali

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Avinash Kumar Son Of Jai Lal Ray Resident Of Village - Dhabauli, P.S. -
Bidupur, District - Vaishali

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ranjit Kumar Thakur

For the Opposite Party/s : Mr. Ram Sumiran Rai

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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

4 05-07-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 304(B), 201/34 of the
Indian Penal Code.

3. As per the prosecution case, the petitioner along
with other co-accused persons are said to have committed
murder the sister of the informant due to non-fulfillment of
dowry demand.

4. Vide order dated 29.02.2024, a report was called
for from the learned Court below regarding the stage of trial and
the time likely to be taken in conclusion of the trial. In
compliance thereof, a report dated 15.05.2024 has been sent by



the learned Additional District & Sessions Judge-II, Vaishali at Hajipur. In his report, the learned Judge has, *inter alia*, stated that there are total eight charge-sheet witnesses including four official witnesses out of which four non-official witnesses have been examined. It is further stated that summons has been issued for official witnesses.

5. Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that the petitioner is husband of the deceased. He further submits that out of eight witnesses four witnesses has been examined and in that four witnesses two has turned hostile. The petitioner has no criminal antecedent and has been languishing in custody since 02.09.2022.

6. Learned APP for the State opposed the bail petition.

7. Considering the facts aforesaid and the period of custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the



satisfaction of the learned Court below where the case is pending/successor Court in connection with Bidupur P.S. Case No. 193 of 2021.

8. The petitioner is directed to co-operate in the trial. If the petitioner will not appear on two consecutive dates then the bail bond of the petitioner shall be cancelled by the learned Court below.

(Anjani Kumar Sharan, J)

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