

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49841 of 2025

Arising Out of PS. Case No.-380 Year-2024 Thana- SUPAUL District- Supaul

Ishwar Roy Son of Jagdish Roy R/O Ward No. 04, Sundarpur Bina, P.S.-
Supaul, District- Supaul

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Pratibha Srivastava, Adv.

For the Opposite Party/s : Mr. Gulnar Begum, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 11-08-2025 Heard Mrs. Pratibha Srivastava, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with
Sessions Trial No. 311 of 2024 arising out of Supaul P.S. Case No.
380 of 2024 for the offence punishable under sections 302 of the
Indian Penal Code.

3. As per the prosecution story, the informant alleged
that his sister was married to the petitioner in the year 2013 and
blessed with two children. On 17.06.2024, they received
telephonic information about her killing by strangulation. This led
to the FIR.

4. Learned counsel for the petitioner submits that they
were leading a happy married life with children, there was no
issue, in depression, she committed suicide. The mother is dead,



the father is in custody and this has led the two children to lead an orphan life. He is in custody since 18.06.2024 and there is no likelihood of trial being concluded.

5. Learned APP opposes the prayer for bail submitting that he is the husband and allegation is of strangulation.

6. Having heard the parties and taking into account the submissions of the learned counsel for the petitioner that actually she committed suicide in depression, is in custody since 18.06.2024 having no criminal antecedent, the Trial Court record has been attached to show that it is not likely to be concluded in near future, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge- IInd, Supaul in connection with Sessions Trial No. 311 of 2024 arising out of Supaul P.S. Case No. 380 of 2024 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/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and 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 no 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.

8. Having recorded the facts, this Court cannot skip its eyes from the fact that in this computer age, still hand written orders are being incorporated in the order sheet. Further, when the witnesses are not present,ailable warrant issued, the natural corollary for the learned Court is to issue non-ailable warrant. The Courts must realize and when bail applications are rejected, the accused is entitled to an early trial.

(Rajiv Roy, J)

Vijay Singh/-

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