

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58004 of 2024

Arising Out of PS. Case No.-104 Year-2022 Thana- NARDIGANJ District- Nawada

Sumit Kumar Son of Uday Singh R/O Vill.- Kazibigha, P.S.- Nardiganj, Dist.-
Nawada. Petitioner/s

Versus

The State Of Bihar, Patna Opposite Party/s

Appearance :

For the Petitioner/s : Mr.N.K. Agrawal, Sr. Advocate
For the Opposite Party/s : Mr.Anuj Kumar Shrivastava, APP
For the Informant : Mr. Shankar Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 20-06-2025 Heard Mr. N.K. Agrawal, learned Senior Counsel for
the petitioner, the State also Mr. Shankar Kumar representing
the informant.

2. The petitioner is in judicial custody in connection
with S.Tr. No. 130 of 2024 arising out of Nardiganj P.S. Case
No. 104 of 2022 for the offence punishable under Sections
304(B), 201, 34 of the Indian Penal Code lodged on 27.04.2022
by the informant, Kumkum Devi.

3. As per the prosecution story, the present petitioner
was married to the deceased lady in 2021 but thereafter the
informant side started threatening her which was conveyed to
the informant side. On the alleged night, the petitioner informed
the informant that she has sustained injuries due to motorcycle
accident. On this, they went to the accused's place but was
informed that she is being treated at hospital. Later, the
informant came to know about the death of the deceased
daughter as she had multiple injuries. Suspecting killing. The
FIR.



4. Learned Counsel for the petitioner submits that an accident has been converted into killing of his wife which resulted into his custody from 22.12.2022 till date and despite the direction of the Court to conclude the trial within a period of one year pursuant to the last rejection order dated 21.07.2023 in Cr. Misc. No. 40672 of 2023 (Annexure-P/1), the fact remains that the trial has not been concluded. If granted relief, he shall be diligently appearing in trial on each and every date and failure to do so, the Trial Court can take immediate steps for cancellation of his bail bonds. Further, he shall be visiting the Police Station every fortnight till the conclusion of the trial, if granted relief.

5. Learned counsel for the informant on the other hand opposes the prayer submitting that multiple injuries were found on the person and as such killing cannot be ignored.

6. Learned Senior Counsel submits that it is the very case of the petitioner that they met with motorcycle accident causing injuries to the lady. In any case, he is ready to face the trial.

7. In this case, repeatedly reports were called for and due to incomplete report, on the last occasion, 11.04.2025, the Trial Court was directed to clarify whether the trial has been



concluded and/or the time by which it can be concluded.

8. Now a detailed report has come and read as follows:

Letter No..10/Dated 24.04.2025

From,

Addl. District & Sessions Judge-III

Civil Court, Nawada.

To.

The Assistant Registrar,

Hon'ble High Court of Judicature at Patna.

Subject: Submission of Comprehensive Report as Directed by the Hon'ble High Court vide order dated 11.04.2025 passed in Criminal. Misc. Case No. 58004 of 2024.

Sir:

With reference to the subject mentioned above, this is to respectfully submit that, pursuant to the order dated 11.04.2025 passed by the Hon'ble High Court in Criminal Misc. Case No 58004 of 2024, this Court has been directed to furnish a detailed report clarifying whether the trial has been concluded or, if pending, the expected time frame for its conclusion.

In compliance with the said order, it is submitted that all charge-sheet witnesses in the present case have been examined, cross-examined, and discharged. Subsequently, the



prosecution filed an application on 07.03.2025 seeking permission to examine five additional witnesses, including three doctors who conducted the post-mortem examination of the deceased and two Forensic Science Experts who analyzed the viscera and submitted their respective reports.

The said application was disposed of on 22.04.2025 after hearing both parties at length. During the proceedings, the defense consented to the prosecution's request, and accordingly, the application was allowed. The prosecution has been directed to produce all five witnesses within the next five hearing dates. Furthermore, it has been expressly ordered that no extension of time shall be granted for the examination of these witnesses.

In view of the above, the trial is still ongoing, and every effort will be made to ensure its conclusion within four months.

The undersigned regrets any inconvenience caused to the Hon'ble High Court due to the earlier report submitted by this Court and sincerely apologizes for the same.

It is, therefore, respectfully requested that the present report be placed before the Hon'ble Bench for its kind consideration, information, and further necessary orders.

Sincerely



Dated 24.04.2022 (Suvash Chandra Sharma)

Addl. District & Sessions Judge III

Nawada

9. A perusal of it would show that after examining five witnesses named therein, the prosecution made prayer for examination of additional five witnesses which has been allowed.

10. Taking into account the aforesaid facts/submissions of the parties as also that the petitioner has remained in custody since 22.12.2022, has no criminal antecedent, an undertaking has been given that he shall be diligently appearing in trial as also before the Police Station every fortnight, in that background, this Court deems it fit and proper to release him on bail subject to the conditions.

11. 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 A.D.J.-II, Nawada, in connection with S.Tr. No. 130 of 2024 arising out of Nardiganj P.S. Case No. 104 of 2022 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 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 appear before the concerned police station every fortnight till conclusion of the trial to mark his attendance;

(iv) 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;

(v) 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)

Ravi/-

U		T	
---	--	---	--

