

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65689 of 2024

Arising Out of PS. Case No.-726 Year-2023 Thana- PURNEA SADAR District- Purnia

Kishan Kumar @ Kishan Kumar Mahaldar S/o- Anil Mahaldar, R/o Village-
Raipur, Ranipatra, P.S.- Muffasil, District- Purnea.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Jha, Advocate
For the Opposite Party/s : Mr. Anil Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 21-01-2025 Heard Mr. Manoj Kumar Jha, the learned counsel
for the petitioner and Mr. Anil Kumar, the learned Additional
Public Prosecutor for the State.

2. Petitioner seeks regular bail who is in custody since
22.08.2023, in connection with Sadar (Muffasil) P.S. Case No.
726 of 2023, FIR dated 22.08.2023, registered for the offences
punishable under Sections 304(B), 506 and 34 of the Indian
Penal Code.

3. According to the prosecution case, the daughter of
informant was subjected to torture by her in-laws over non-
fulfillment of dowry demand. It is further alleged that on
22.08.2023, informant received information that his daughter
has committed suicide by hanging herself.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been



implicated in the present case. He further submits that petitioner has been made accused in the present case merely on the ground that petitioner is husband of the deceased and the allegation levelled in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR.

5. Vide order dated 28.11.2024, a report was called for with regard to the stage of the trial and report dated 19.12.2024 of the learned trial Court reveals that out of six chargesheeted witnesses, prosecution has not examined any witnesses as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 22.08.2023.

7. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that number of witnesses have supported the case of the prosecution and it is evident from the impugned order itself that charge has been framed against the petitioner on 04.03.2024 and it has also come during investigation that the petitioner has participated actively in the present crime in question. Apart from that, the *post-mortem*



report reveals that cause of death is asphyxia due to smothering.

8. Considering the aforesaid facts and circumstances and the report of the learned trial Court, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned 2nd Additional Sessions Judge, Purnea, in connection with **Sadar (Muffasil) P.S. Case No. 726 of 2023**, subject to the following conditions:

(i). Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the learned trial Court and shall remain physically present as directed by the learned trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the learned trial Court.

(ii). If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(iii). And further condition that the learned trial Court shall verify the criminal antecedent of the petitioner and in case, at any stage, it is found that the petitioner has concealed his criminal antecedent, the learned trial Court 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)

Shahnawaz/-

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

