

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71074 of 2024

Arising Out of PS. Case No.-34 Year-2018 Thana- JURAWANPUR District- Vaishali

Kedar Das S/o Yogendra Das Resident of Village- Jurawanpur Karari, PS-
Jurawanpur, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

4 22-01-2025 Heard learned counsel for the petitioner
and learned APP for the State.

2. This is the third attempt of the petitioner for bail. Earlier the prayer for bail of the petitioner was rejected vide orders dated 16.08.2021 passed in Cr. Misc. No. 5926 of 2021. The petitioner again moved this Court with a prayer for bail in Cr. Misc. No. 3597 of 2022 which was dismissed as withdrawn vide order dated 23.02.2022.

2. The petitioner seeks bail in connection with S. Tr. No. 404 of 2022 arising out of Jurawanpur P.S. Case No. 34 of 2018 instituted for the offences under Sections 304(B), 120(B) of the Indian Penal Code.

3. As per prosecution case, the accusation against the accused persons including the



petitioner is of committing murder of the Informant's sister within six months of her marriage.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is the husband of the deceased. He further submits that the charge-sheet has been submitted in this case against the petitioner and his mother. The Informant is not the eye-witness to the alleged occurrence. There is no direct or specific allegation of any overt act against the petitioner rather the same is general and omnibus in nature. He further submits that the postmortem report itself reveals that the the deceased has committed suicide and, hence, Section 304(B) of the I.P.C. is not attracted against him. The charge has been framed on 30.09.2022 and only three witnesses have been examined in course of trial and have been declared hostile which is evident from the impugned order itself. From the impugned



order, it also appears that the learned APP was directed to produce the witnesses positively within next three months but, the trial has not yet been concluded and is pending. The petitioner has no criminal antecedent and is languishing in judicial custody since 20.02.2020 without any rhymes or reason. Learned counsel for the petitioner has also filed supplementary affidavit stating therein that the prosecution has not produced any witness since 21.05.2024 as is evident from the order-sheets dated 21.05.2024 to 24.09.2024.

5. On the other hand, learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged against the petitioner is serious in nature. The petitioner is the husband of the deceased and, hence, he does not deserve bail.

6. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the period of custody of the petitioner, let the petitioner, abovenamed, be released on bail on



furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of Court below/concerned Court in connection with S. Tr. No. 404 of 2022 arising out of Jurawanpur P.S. Case No. 34 of 2018 , subject to the following conditions;

(i) One of the bailor(s) shall be the own/close family members of the petitioner.

(ii) The petitioner shall cooperate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and in the event of failure on two consecutive dates without sufficient reasons, his bail bond shall be liable to be cancelled by the court below.

(Rudra Prakash Mishra, J)

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