

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.5224 of 2024

Arising Out of PS. Case No.-403 Year-2022 Thana- SIWAN MUFFASIL District- Siwan

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Raju Tiwari Son of Birendra Tiwari Resident Of Village -Semariya Tiwari
Tola, PS- Nautan, Distt.- Siwan

... .. Appellant/s

Versus

1. The State of Bihar
2. Kismati Devi Wife of Late Bhagirathi Resident of Village- Bhairavpur
House No. 370 Mahadeo Jharkhandi, P.S.- Cantt., Distt.- Gorakhpur (Uttar
Pradesh)

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr. Ajay Kumar Tiwary, Advocate
For the Respondent/s : Mrs. Usha Kumari 1, SPP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

7 15-05-2025 Heard learned counsel for the appellant and learned
Special Public Prosecutor for the State. Perused the case diary.

2. Pursuant to order dated 19.03.2025, S.P., Siwan has
submitted a show-cause regarding the steps taken to procure the
witnesses before the learned Trial Court. Perused the show-
cause and the same is accepted.

3. Earlier vide order dated 11.01.2024 passed in Cr.
Appeal (SJ) No. 701 of 2023 the prayer for grant of bail to the
appellant was rejected by a coordinate Bench of this Court.

4. The instant appeal has been filed by the appellant



against the order dated 19.09.2024 passed by learned 1st Additional Sessions Judge cum Special Judge, Siwan whereby the prayer for bail of the appellant in connection with Special Case No. 305 of 2022 arising out of Siwan Muffasil (Dhanauti O.P.) P.S. Case No. 403 of 2022 under Sections 498A, 304B, 201/34 of the IPC and 3(2)(va) of the SC/ST Act was rejected.

5. As per the allegation in the FIR, the informant alleged that her daughter was married with the appellant four years ago and, thereafter, the appellant along with his family members subjected her to cruelty due to non-fulfillment of dowry demand. Ultimately, on 16.07.2022 the informant came to know that her daughter was done to death by the appellant along with his family members. Thereafter, the present FIR has been lodged.

6. Learned counsel for the appellant submits that earlier vide order dated 11.01.2024 passed in Cr. Appeal (SJ) No. 701 of 2023 the prayer for grant of bail to the appellant was rejected. Learned counsel for the appellant mainly contended that appellant is languishing in jail for the last more than two and a half years and also there is no significant progress in the trial and none of the witnesses have been examined. The appellant is in custody since 18.07.2022 and has no criminal



antecedent.

7. Learned Special P.P. for the State vehemently opposed the prayer for grant of bail to the appellant.

8. As per the report dated 07.05.2025 sent by the learned court below, there are five charge-sheeted witnesses and out of them, only three witnesses have not been examined and trial is likely to be concluded within four months.

9. Considering the aforesaid facts and circumstances of the case this Court finds no fresh ground to reconsider the matter which has already been decided on merit as also the present stage of the trial, this Court is not inclined to grant bail to the petitioner.

10. Accordingly, the present appeal is dismissed.

11. Learned Trial Court is directed to expedite the trial and conclude the same as expeditiously as possible.

12. However, liberty is granted to the appellant to renew the prayer for grant of bail before the Trial Court if the trial is not concluded within a period of two months from today. If any such application is filed before the learned court below, the court concerned shall consider the same on its own merit without being prejudiced by this order.

13. The Superintendent of Police, Siwan is directed to



produce the witnesses before the court concerned as and when required for expeditious conclusion of the trial.

14. Let a copy of this order be communicated to the Superintendent of Police, Siwan.

(Rudra Prakash Mishra, J)

Alok Verma/-

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