

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4706 of 2026

Arising Out of PS. Case No.-131 Year-2023 Thana- MATIHANI District- Begusarai

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Rupesh Kumar son of Late Ram Bahadur Rai Resident of Village -Matihani
Ps- Matihani District -Begusarai Bihar Petitioner/s

Versus

The State of Bihar Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Sarita Kumari, Advocate

For the Opposite Party/s : Mr. Zainul Abedin, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 18-03-2026 Heard Mr. Sarita Kumari, learned counsel for the

petitioner and Mr. Zainul Abedin, learned APP for the State.

2. Petitioner seeks bail, who is in custody since
19.03.2024 in connection with S.T. No. 133 of 2025, arising out
of Matihani P.S. Case No. 131 of 2025, F.I.R. dated 31.08.2023,
for the offences punishable under Sections 304(B), 201 read
with 34 of the Indian Penal Code.

3. Earlier, the prayer for regular bail of the petitioner
was twice rejected by this Court vide order dated 18.10.2024
passed in Cr. Misc. No. 60039 of 2024 and vide order dated
20.06.2025 passed in Cr. Misc. No. 31887 of 2025.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. The allegation as alleged in the
FIR is false and fabricated and the petitioner has not committed
any offence as alleged in the FIR. The petitioner has been made
accused in the present case merely on the ground that the



petitioner is the husband of the deceased. In fact, the family members of the deceased have also participated in the last rituals of the deceased and the petitioner is in judicial custody since 19.03.2024 and trial is not in progress.

5. Vide order dated 30.01.2026, a report was called for with regard to the stage of trial. Report dated 26.02.2026 of the learned Trial Court reveals that out of ten charge-sheet witnesses, six witnesses have been examined including the I.O. and four non-official witnesses are yet to be examined including the informant.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 19.03.2024 near about two years.

7. Learned APP for the State has vehemently opposed the prayer for bail.

8. Considering the aforesaid facts and circumstances and also the report of the learned Trial Court and period of custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned District and Additional Sessions



Judge-II, Begusarai, in connection with S.T. No. 133 of 2025, arising out of Matihani P.S. Case No. 131 of 2025, with the following conditions:

i. Petitioner shall co-operate 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 on her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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 court below 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 court below 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)

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