

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77989 of 2025

Arising Out of PS. Case No.-5 Year-2024 Thana- Kavaia District- Lakhisarai

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Jitendar Kumar @ Jitendra Kumar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amritesh Kumar, Adv.

For the Opposite Party/s : Ms. Veena Kumari Jaiswal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

5 10-04-2026 Heard Mr. Amritesh Kumar, learned counsel for the
petitioner and the State.

2. The petitioner is in judicial custody in connection with Kabaiya P.S. Case No. 5 of 2024 for the offences punishable under Sections 304(B)/34 of the IPC and $\frac{3}{4}$ of the D.P. Act, lodged on 01.03.2024 by the informant, Vikash Prasar.

3. As per the prosecution story, the informant alleged that the marriage of her daughter was solemnized on 16.02.2022 but was always tortured for dowry and when they came to know that she cannot become mother, was killed by administering poison which led to the FIR.

4. The petitioner is the husband, earlier moved before this Court in Cr. Misc. No. 56540 of 2024 of 2024 which came to be dismissed on 19.11.2024.



5. This is the second bail application. A report was called for from the learned Trial Court and the report dated 06.03.2026 shows that charges have been framed and two out of six witnesses have been examined.

6. Learned counsel for the petitioner submits that the marriage took place in the year 2022 and even after treatment, when she came to know that the lady cannot become mother, went into depression. She was treated by the husband at Lakhisarai and Annexure-P/3 is testimony to it.

7. The fact remains that under depression, she consumed poison, was immediately taken by the husband-petitioner to the local nursing home on 27.02.2024 where she was under treatment for two days and later, on 29.02.2024, the Doctor asked them to move to Patna for better treatment as the condition was not improving.

8. While moving on Ambulance from Lakhisarai to Patna (details of the Ambulance is also on record), the lady breathe her last on way.

9. The submission is that he is ready to face the trial, is in custody since 11.03.2024 (immediately after the occurrence), shall diligently appear in trial and failure to do so, the Trial Court can take immediate steps for cancellation of the



bail bond. Further, if granted relief, he shall in no way, indulge in any activity to influence the witnesses and again if he does, the State will be free to take immediate steps for the cancellation of the bail bond.

10. Learned APP opposes the prayer for bail submitting that he is the husband and trial is on.

11. Considering the submissions of the parties as also the facts that have been recorded, the petitioner do not have criminal antecedent and is in custody since 11.03.2024 and an undertaking has been given that he shall diligently appear in trial and shall in no way, indulge in any activity to influence the witnesses, in that background, this Court is inclined to extend him the privilege of bail with conditions.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned District and Additional Sessions Judge-II, Lakhisarai in connection with Kabaiya P.S. Case No. 5 of 2024 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/her 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 for six months to mark his attendance and at the end of the period, the certificate be submitted to the Court;

(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)

Vijay Singh/-

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