

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.1304 of 2015

Arising Out of PS.Case No. -6 Year- 2006 Thana -HATHAURI District- MUZAFFARPUR

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Md. Salauddin son of Late Fida Hussain, resident of Village- Bhutane, P.S.-
Hathauri, District- Muzaffarpur

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Saroj Kumar Sharma, Advocate

For the Opposite Party/s : Mr Satyendra Nr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA PRASAD VERMA
ORAL ORDER

3 04-03-2015

Heard the parties.

The petitioner seeks bail in a criminal prosecution registered under Section 304B/34 of the Indian Penal Code.

Though the petitioner happens to be the husband of the deceased and he is named in the first information report vide Annexure-1 as an accused with allegation of commission of crime, but taking into consideration the fact that he is in judicial custody since 03.04.2006 i.e. almost nine years and further taking into consideration the report submitted by the trial court which shows that there is no chance of conclusion of trial of the petitioner in near future, the prayer for bail of the petitioner is allowed. The above named petitioner is ordered to be released on bail on furnishing bail bond of Rs.25,000/-(Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of learned 7th Additional Sessions Judge, Muzaffarpur in Sessions Trial No. 655 of 2006 arising out of Hathuri P.S.Case No. 06 of 2006, subject to the following conditions:

(A) one of the bailors must be
government servant or close family member of the

petitioner who will file an affidavit in the court below showing his/her relationship with the petitioner,

(B) if the petitioner is found involved in same and similar nature of cases in future, then in that case, the informant/prosecution shall be at liberty to file a petition for cancellation of bail of the petitioner, and if such a petition is filed, the court below would be obliged to dispose of the same in accordance with law after giving opportunity of hearing to all concerned, and

(C) the petitioner shall make regular pairvi in the court below in the present case either by appearing himself in person or through representation by his lawyer on each and every dates, and if on two consecutive dates petitioner fails to make pairvi, then the court below shall be at liberty to cancel the bail bond of the petitioner.

(Birendra Prasad Verma, J)

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