

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21196 of 2020

Arising Out of PS. Case No.-44 Year-2016 Thana- SAHPUR District- Patna

VIKASH KUMAR KESHRI @ VIKASH KUMAR Son of Sidheshwar Prasad Keshri Resident of Village - Shahpur, P.S. and P.O.- Shahpur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sayed Imran Ghani

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

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-09-2020 Due to COVID-19 Pandemic, the matter is being taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For Orders’ under the orders of Hon’ble the Chief Justice.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the Office, within a period of four weeks from the date of lifting of the lockdown in the State of Bihar.

Heard learned counsel for the petitioner and learned APP for the State.

The petitioner seeks bail in a case instituted for the offences under Sections 304B, 201, 34 of the Indian Penal Code.

Allegation against the accused persons is of



committing torture and thereafter caused death of the victim due to non-fulfilment of demand of dowry.

The earlier bail applications of the petitioner were rejected vide Annexure-1 series to the present application. This is 4th attempt of the petitioner for grant of bail as the last bail application (3rd one) of the petitioner was rejected vide order dated 25.09.2019 with an observation 'at this stage'. In persuasion to the said observation, the present application has been filed.

A report has been called for from the Trial Court. It has been reported by the Court below that two official witnesses are yet to be examined.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.04.2016 and has got no criminal antecedent. The petitioner has remained in custody for more than four years. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. There is no eye witness to the alleged occurrence. There is no allegation of immediate demand of dowry in the case. Hence, no offence under section 304(B) IPC is made out.

On behalf of the State, it is submitted that the



petitioner is named in the F.I.R.

Considering the fact that the petitioner has remained in custody for more than four years and also the lockdown, the petitioner above named, is directed to be released on bail on his personal bond to the satisfaction of learned Additional Sessions Judge-II, Danapur/Concerned Court in connection with Shahpur P.S. Case No. 44 of 2016, G.R. No. 1051 of 2016 pending as Sessions Trial Case No. 561 of 2017.

Once the normalcy is restored, the petitioner shall furnish bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each within a period of four weeks to the satisfaction of the Court concerned in connection with the aforesaid case.

(Sudhir Singh, J)

Pankaj/-

U		T	
---	--	---	--

