

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 30341 of 2020**

Arising Out of PS. Case No.-151 Year-2018 Thana- NAUHATTA District- Saharsa

MD ABDUL RAJIK @ MD ABDUL RASIK @ PAPPU Son of Late Md Abdul Hannan Resident of Village- Nauhatta, P.S.- Nauhatta, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr Krishna Prasad Singh, Sr Advocate with
Mr Md Harun Quareshi, Advocate
For the Opposite Party/s : Mr Anil Kr Singh, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **22-12-2020** As of now, the Courts have not resumed normal physical hearing. The matter has been listed today for consideration through Video Conferencing.

Learned counsels are appearing and making submissions from their residence. The Court Master and Secretary are also part of this virtual Court proceedings with the aid of audio visual technology.

Heard learned Senior Counsel for the petitioner and the learned APP for the State.

The petitioner seeks bail in Sessions Trial No 184 of 2018 arising out of Nauhatta Police Station (for brevity, *PS*) Case No 151 of 2018 instituted for the offence punishable under



Sections 341, 326A, 302, 201, 498A/34 of Indian Penal Code.

Being husband, the petitioner is accused in the instant case of having committed the murder of his wife for non-fulfillment of the demand of dowry.

The learned Senior Counsel draws attention of the Court towards the order dated 23.07.2019 passed in Cr Misc No 36263 of 2019 whereby the petitioner's prayer for bail was earlier rejected and the trial Court was directed to make all efforts to conclude the trial preferably within nine months. It is submitted that the petitioner is now in custody since 01.10.2018, i e, more than two years as of date and due to the COVID – 19 Pandemic, in the meantime, only 3 out of 8 witnesses have been examined.

The learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge II, Saharsa in Sessions Trial No 184 of 2018 arising out of Nauhatta PS Case No 151 of 2018 subject to the following conditions:-



(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

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