

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38809 of 2020**

Arising Out of PS. Case No.-207 Year-2020 Thana- DARBHANGA SADAR District-
Darbhanga

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MUKESH KUMAR @ MUKESH KUMAR YADAV, son of Aghanu Yadav,
Resident of Village- Bhavanipur Manth, P.S.- Sadar, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajay Kumar, Advocate
For the Opposite Party/s : Mr.Ram Naresh Ray, A.P.P.

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

5 10-08-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Ram
Naresh Ray, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Sadar P.S. Case No. 207 of 2020 registered for

the offence punishable under Section 304B of the Indian Penal

Code. He is in custody since 24.05.2020.

Learned counsel for the petitioner submits that

according to the fardbeyan of the informant who is the father of

the deceased, the petitioner who is son-in-law had made a

telephonic call to the informant and asked him to come to his

village. The informant reached there with his another son-in-law and nephew and found that his daughter was lying dead and there was a black mark of ligature on the neck of the deceased giving him an impression that she was killed by pressing her neck.

Learned counsel submits that in course of investigation, the post-mortem report of the deceased did not support the allegation of pressing the neck. The medical report suggests one non-continuous/ligature mark on the upper part of the neck going upwards and backwards along the lower jaw and the Doctor has opined that it was a case of hanging. Learned counsel submits that the trial has though begun in this case but it is not likely to be concluded in near future.

On the other hand, Mr. Ram Naresh Ray, learned A.P.P. for the State has opposed the prayer for regular bail of the petitioner. According to him the daughter of the informant was married to this petitioner only three years ago and the witnesses have stated in course of investigation that quarrel was taking place between the two, however, the reason for the same is not known. It is further submitted that the trial has already begun in this case and at this stage release of the petitioner is likely to result in delaying the trial.

Considering the facts and circumstances of the case wherein the post-mortem report of the deceased is disclosing that it is a case of hanging and sometimes discontinuity in the ligature mark may be found in case of hanging, this Court having noticed the fact that the petitioner has remained in custody for almost 15 months and as per the trial court's report conclusion of the trial is likely to take place in one year if normal functioning of the court is restored, in the present day's pandemic situation it is not known as within how much time normal functioning of the court may be restored, this Court directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned C.J.M. IX, Darbhanga in connection with Sadar P.S. Case No. 207 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C. as under :

(a) that such person shall attend in accordance with the conditions of the bond executed under this Chapter,

(b) that such person shall not commit an offence similar to the offence of which he is accused, or suspected, of the commission of which he is suspected, and

(c) that such person shall not directly or indirectly

make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the Court or to any police officer or tamper with the evidence.

And further condition that in course of trial the petitioner shall cooperate by attending the trial on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall invite action towards cancellation of bail of the petitioner.

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.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.