

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.38871 of 2020**

Arising Out of PS. Case No.-271 Year-2014 Thana- BISFI (PATAUNA) District- Madhubani

MD. SHAKIL Son of Md. Abbas Resident of Village - Supaul Bazar, Kheba,
Tole Biraul, P.S.- Biraul, District - Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Ravi Prakash, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Sanjay Kumar Pandey, Advocate

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

6 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, learned counsel for the informant and learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bisfi (Patauna) P.S. Case No. 271 of 2014, S.T. No. 129 of 2015 registered for the offences punishable under Sections 302, 328, 307 and 120(B) of the Indian Penal Code.

In the present case it is alleged that three persons including this petitioner came to the house of the informant, stayed in the house overnight and they gave milk to each of the family members of the informant to consume. In the morning when the family members of the informant were found sleeping till late, the



villagers entered into the house and saw that both hand and leg of the deceased Nayeem was tied and some clothes were found in neck and in the mouth. He had died on the spot. The another member of his family Anwari Khatoon was lying in unconscious condition and she was taken to the hospital where she was declared dead.

It appears that the petitioner was made accused in this case on the basis of statement of one Raja and he is in custody since 12.12.2014. The co-accused Md. Ibrahim @ Md. Arif @ Lal @ Lalo has been granted bail in Cr. Misc. No. 37459 of 2019. Another co-accused Farzana Khatoon has been granted bail in Cr. Misc. No. 81328 of 2019. From the impugned order dated 02.11.2016 passed by learned Additional Sessions Judge, VI in the Session Trial case, it appears that in this case the prosecution witnesses were summoned on 04.01.2016. The learned trial court had at the said stage observed that if the prosecution failed to bring the witnesses, the court would be forced to take appropriate action for closing the prosecution evidence.

At this stage, the trial court's report shows that out of twelve charge-sheet witnesses, seven witnesses have been examined and because of Covid-19 situation the court is working only in virtual mode. The learned trial court has informed that if the court starts functioning in physical mode, the trial is likely to



be concluded within five months.

In the aforementioned circumstances where co-accused have been granted bail by the learned co-ordinate Bench of this Court and no distinction has been drawn in the case of this petitioner with that of co-accused by the learned A.P.P. for the State, the petitioner has remained in jail for six years and eight months and in the present day's pandemic situation it is not known as to how long it will take in starting physical court and then the period which may be taken in producing all the witnesses particularly sensing the slow pace in which trial has proceeded so far, the petitioner has otherwise no criminal antecedent, this court directs release of the petitioner above named on bail on furnishing of bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-VI, Madhubani in connection with Bisfi (Patauna) P.S. Case No. 271 of 2014, S.T. No. 129 of 2015 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 putting appearance in the trial court on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall invite action towards cancellation of bail bond.

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.

This application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

Rishi/-

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

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'.

