

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.39059 of 2020**

Arising Out of PS. Case No.-227 Year-2019 Thana- BARHARIA District- Siwan

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Akhlakh Ahmed@ Akhlakh Son Of Sattar Miya Resident Of Village-
Nabiganj, P.S.- Barharia, District- Siwan

... .. Petitioner

Versus

1. The State of Bihar
2. The Director, Forensic Science Laboratory, Muzaffarpur. Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Singh, Advocate
For the	:	Mr.Md. Fahimuddin, APP
For the Informant	:	Mr. Ramadhar Shekhar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

12 10-08-2021 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 Barharia P.S. Case No. 227/2019 registered
for the offence under Section 304(B)/34 of the Indian Penal
Code. He is in custody since 28.08.2019.

The Show cause of Director, Forensic Science
Laboratory, Muzaffarpur has been filed. Let the same be
accepted.

Learned counsel for the petitioner submits that from
the First Information Report itself it would appear that when the
victim lady was having abdomen pain, the family members of

the deceased were informed, however the victim died because of consumption of Sulphas and she could not be saved.

Learned counsel submits that in the First Information Report no ante-mortem injury has been found and so far as the allegation of demand of dowry is concerned, there is no independent witness supporting such allegation.

Learned counsel for the informant and learned A.P.P. for the State have though opposed the prayer for bail of the petitioner, but there is no dispute that in the post-mortem report which has been perused by learned A.P.P., no ante-mortem injury has been noticed and though the charge has been framed in this case, at least five prosecution witnesses are required to be examined and in the present day's pandemic situation when the Court is not functioning physically, the trial is not likely to be concluded in near future.

Considering the facts and circumstances of the present case noticed herein above and that the petitioner has remained in custody for almost two years but the trial is not likely to be concluded in near future, 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 Chief

Judicial Magistrate, Siwan in connection with Barhariya P.S.
Case No. 227/2019, 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 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.

And further condition that in course of trial the
petitioner shall cooperate and two consecutive defaults in

putting appearance shall invite action towards cancellation of
bail.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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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'.