

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.10676 of 2021**

Arising Out of PS. Case No.-68 Year-2019 Thana- KOTWA District- East Champaran

Akhilesh Das, Son of Bhukhal Das, Resident of Village- Jamuniyan
(JASauli), P.S.- Kotwa, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Anshuman Singh, Advocate Mr. Ramakant Yadav, Advocate
For the Opposite Party/s	:	Mr. Manoj Kumar No. 1, A.P.P.

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

5 24-08-2021 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. Manoj Kumar No. 1, learned A.P.P. for the State.

This is the second attempt of the petitioner to obtain bail in connection with Kotwa (Bhopatpur O.P.) P.S. Case No. 68 of 2019 (G.R. No. 2191 of 2019) registered for the offence punishable under Section 304(B), 34 of the Indian Penal Code and Section 3/4 of Dowry Prohibition Act.

Earlier the prayer for bail of the petitioner was rejected by a learned predecessor Bench of this Court vide order dated 20.02.2020 passed in Cr. Misc. No. 73433 of 2019.

Learned counsel for the petitioner submits that as per the prosecution story the marriage of the sister of the informant had been solemnized with this petitioner about four years ago. The informant claims that he had admitted to provide a motorcycle as per his own convenience but soon after the marriage the accused persons were asking the deceased to get the motorcycle from her Maiké. It is submitted that the accused persons were quarreling with the sister of the informant and they killed her by pressing her neck.

Learned counsel submits that in fact the very first statement of the informant that the marriage was solemnized about four years ago is false which would be evident from the fact that the wife of this petitioner who happened to be the sister of the informant had got matrimonial dispute with the petitioner as back as in the year 2015 giving rise to Kotwa (Bhopatpur O.P.) P.S. Case No. 20 of 2015 dated 29.01.2015 under Section 307, 498A of the Indian Penal Code and $\frac{3}{4}$ of the Dowry Prohibition Act. In her F.I.R. she has admitted in the very first paragraph that her marriage had taken place about ten years ago.

It is, thus, submitted that the marriage between the petitioner and sister of the informant was at least 14 years old and not four years. The investigation in this case is complete but

till date the evidence has not started which would be evident from the impugned order where it is stated that charge has been framed.

Learned counsel further submits that the petitioner is in custody for about two years and two months and is ready to abide by such terms and conditions which may be imposed by this Court for grant of bail.

Mr. Manoj Kumar No. 1, learned A.P.P. for the State has though opposed the prayer for regular bail of the petitioner but considering the facts and circumstances of the case, the submission that the marriage was 14 years old which has been wrongly stated as four years in the F.I.R. and then the petitioner has remained in custody for over two years but the trial is not likely to take place in near future, this Court directs release of the petitioner above named be released 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-19, East Champaran, Motihari in connection with Kotwa (Bhopatpur O.P.) P.S. Case No. 68 of 2019 (G.R. No. 2191 of 2019), subject to the condition as laid down under Section 437 (3) Cr.P.C.

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)

vats/-

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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'.