

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29594 of 2021

Arising Out of PS. Case No.-496 Year-2018 Thana- NARPATGANJ District- Araria

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UMESH MARIK Son of Late chhutaharu Marik Resident of village -
Basmatiya, Ward no. - 06, P.S. - Narpatganj (Basmatiya O.P.), Dist. - Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ramesh Kumar Singh

For the Opposite Party/s : Mr.APP.

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-01-2022 Heard learned counsel for the petitioner and learned

Additional Public Prosecutor for the State in virtual court

proceeding.

Let the defects, as pointed out by the office, be

removed within four weeks of start of normal functioning of the

physical court.

Petitioner seeks bail in connection with Narpatganj

(Basamatiya) P.S. Case No. 496 of 2018 registered for the

offences punishable under Sections 302/34 of the IPC.

The prosecution case as per the written report of

Mahesh Kodagia dated 18.08.2018 before the SHO of

Basmatiya (O.P.), Narpatganj is to the effect that the sister of the

informant was married with the petitioner 16 years prior to the

lodging of the present case and they were blessed with three



children. Thereafter, all the accused persons including the petitioner started torturing the sister of the informant. On 17.08.2018, the son of the informant's sister came and informed the informant that all the accused persons including the petitioner have killed the informant's sister by throttling and they are preparing to dispose the dead body. Subsequently, in the night of 18.08.2018, the informant reached at his sister's in law's house and found his sister's dead body lying on the floor with injury mark on neck.

In the past, prayer for bail was refused on 19.06.2020 in Cr. Misc. No. 78635 of 2019 with an observation that the petitioner would be at liberty to renew his prayer for bail, if the trial will not be concluded within a period of seven months.

Vide order dated 24.11.2021 a report was called for with regard to the present stage of the trial.

The report dated 02.12.2021 (Flag R) of the trial Judge would reveal that the case is ruining at the stage of the appearance.

Learned counsel for the petitioner submits that it appears from the aforesaid report that trial is not going to be concluded in near future whereas petitioner is in custody since 13.10.2019.



The learned Additional Public Prosecutor opposed the prayer of bail.

Considering the aforesaid facts and circumstances as well as period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Chief Judicial Magistrate, Araria in connection with Narpatganj (Basmatiya) P.S. Case No. 496 of 2018, subject to the following conditions:-

1. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

2. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

3. 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.

(Rajesh Kumar Verma, J)

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