

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47295 of 2021

Arising Out of PS. Case No.-177 Year-2020 Thana- BIHTA District- Patna

ABHISHEK KUMAR Son of Sri Sujit Thakur Resident of Village- Simri,
P.S.- Bihta, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Brisketu Sharan Pandey, Adv.

For the Opposite Party/s : Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 24-02-2022 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with Bihta
P.S. Case No. 177 of 2020 registered for the offence under
Sections 304(B)/34 of the Indian Penal Code.

The sister of the informant is said to have been
killed by the petitioner and his family members.

Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is
innocent and has falsely been implicated in this case. In fact,
the petitioner happens to be husband of the deceased and
has never assaulted the deceased nor he demanded any
dowry from his wife-deceased in any manner. No specific



allegation of any overt act is attributed to the petitioner. There is no eye witness to the alleged occurrence. He further submits that according to the report received from the Additional District and Session Judge-III, Danapur, it is apparent that the trial of the case is pending for appearance of the accused for which production warrant has been issued, therefore, trial of the case is not likely to be concluded in near future and the petitioner is rotting in judicial custody since 03.03.2020. Moreover, the co-accused, Prabha Devi, Sujit Thakur and Monu Thakur have already been granted bail by different co-ordinate Benches of this Court vide order dated 10.07.2020, 17.03.2021 and 12.10.2020 passed in Cr. Misc. No. 21546 of 2020, Cr. Misc. No. 41134 of 2020 and Cr. Misc. No. 22581 of 2020 respectively.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case, let the, above named, petitioner 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 learned A.C.J.M.-I class, Danapur in connection with Bihta



P.S. Case No. 177 of 2020 with 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled 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.

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)

brajesh/-

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

