

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50759 of 2021**

Arising Out of PS. Case No.-120 Year-2020 Thana- BABUBARHI District- Madhubani

AKHILESH KUMAR RAY @ AKHALESH @ AKLESH RAY Son of Raslal
Ray Resident of Village- Ghonghar, P.S.- Babubarhi, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ratanakar Jha, Adv

For the Opposite Party/s : Mr.Dilip Kumar No. 1, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 31-03-2022 Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

Heard learned counsel for the petitioner and learned APP for the State.

Petitioner seeks bail in a case registered for the offences punishable under Sections 304(B),34 of the Indian Penal Code.

As per the prosecution case, the petitioner and his family members killed the deceased for non-fulfilment of dowry demand.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. He further submits that it appears



from the FIR that there is no specific allegation of any overt act or demand of dowry against the petitioner. There is general and omnibus allegation against all the accused persons including the petitioner. He further submits that the chargesheet has already been filed against the petitioner and the petitioner is in custody since 11.09.2020.

Vide order dated 03.01.2022, a report was called for with regard to the stage of trial. Report reveals that charge was framed on 08.03.2021 and the case record is fixed for evidence.

Learned counsel for the petitioner submits that it appears from the report that there is no chance of early conclusion of the trial in near future.

Learned A.P.P. for the State has vehemently opposed the prayer for bail of the petitioner on the ground that the petitioner is husband of the deceased.

Considering the facts and circumstances of the case, 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 learned Court below where the case is pending in connection with S.Tr.No.88 of 2021 arising out of Babubarhi P.S.Case No.120 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 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.

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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