

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4385 of 2023

Arising Out of PS. Case No.-68 Year-2015 Thana- MAHUA District- Vaishali

MD. AKBAR Son of Late Md. Kurban R/v- Alipur Mukund, P.S.- Mahua,
District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sourendra Pandey, Advocate

For the Opposite Party/s : Mr.Rajiv Nayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 06-07-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
12.08.2022 in connection with Mahua P.S. Case No. 68 of
2015, F.I.R. dated 07.02.2015 registered for the offence
punishable under Sections 302,201,34 of IPC.

As per allegation, the marriage of the daughter of
the informant was solemnized with the petitioner in the year
2005. After marriage, his daughter went to her matrimonial
house and gave birth to two children, who are aged about 10
years and 7 years. The allegation is that the husband and in-
laws of the deceased subjected her to cruelty.

Learned counsel appearing for the petitioner



submits that the petitioner has clean antecedent and she has falsely been implicated in the present case on the ground that the petitioner is husband of the deceased. Further submits that it appears from the FIR/complaint petitioner that the date of occurrence as alleged in the FIR is 27.09.2014 but the present FIR/complaint has been instituted on 12.12.2014 after delay of about 02 ½ months without giving any explanation of delay. Further submits that it has come during investigation that the petitioner was not present at the time of occurrence and in para-6 of the case diary that the petitioner was not present at the time of occurrence, he was living at Lucknow and it has come during investigation that the wife (deceased) of the petitioner has committed suicide herself and from bare perusal of the FIR it transpires that there is general and omnibus allegation against all the accused persons including the petitioner and the co-accused, namely, Zahira Khatoon, who happens to be the mother-in-law of the deceased, has been granted privilege of anticipatory bail by a Coordinate Bench of this Hon'ble Court vide order dated 27.07.2022 passed in Cr. Misc. No.68097 of 2021 and the police, after investigation, submitted the chargesheet against the petitioner and the petitioner is in custody since 12.08.2022.



Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner.

Considering the aforesaid facts, 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 C.J.M., Vaishali at Hajipur in connection with Mahua P.S. Case No. 68 of 2015, 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.

(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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