

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24384 of 2023

Arising Out of PS. Case No.-90 Year-2021 Thana- RANIGANJ District- Araria

Md. Ahtasam @ Tosique @ Ahtesham @ Tausif, Son Of Md Ekram Resident
Of Village- Dumariya, Ward No. 06, Ps- Raniganj, Distt- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ramesh Kumar Singh, Advocate
For the Opposite Party/s : Ms. Nirmala Kumari, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

2 12-04-2023 Learned counsel for the petitioner is permitted to
remove the defect(s), if any, as pointed out by the office, within
a period of four weeks from today.

Heard Mr. Ramesh Kumar Singh, learned counsel for
the petitioner and learned Additional Public Prosecutor for the
State.

The petitioner is renewing his prayer for bail in
connection with Raniganj P.S. Case No. 90 of 2021, registered
for the offences punishable under Sections 302/34 of the Indian
Penal Code. Earlier prayer was rejected *vide* order dated
25.08.2022 passed in Cr. Misc. No. 52812 of 2021 after taking
into consideration the materials available on record suggesting
that the petitioner, who happens to be the husband of the
deceased, and his family members have even neither tried to



save the deceased at any point of time nor she was taken to hospital, rather after the alleged occurrence, they fled away from the place of occurrence.

While rejecting the prayer for bail of the petitioner, liberty was granted to renew his prayer after six months, if the trial is not concluded within the stipulated period.

Learned counsel for the petitioner submits that despite specific direction of this Court, till date after framing of the charge only one witness has been examined as is evident from the impugned order dated 20.03.2023 and thus, there is no likelihood of conclusion of the trial in near future.

On the other hand, learned APP for the State, while opposing the bail application, submits that the petitioner happens to be the husband of the deceased was under obligation to protect his wife but she was done to death. He further submits that there are other materials suggesting the complicity of the petitioner.

Regard being had to the submissions made on behalf of the parties and considering the observations made by this Court and the fact that out of seven witnesses, till date only one prosecution witness has been examined and there is no likelihood of the conclusion of the trial in near future, let the



petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Araria in connection with Raniganj P.S. Case No. 90 of 2021, corresponding to Sessions Trial No. 201 of 2021, subject to the condition that one of the bailors will be the close relative of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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