

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49063 of 2022

Arising Out of PS. Case No.-671 Year-2021 Thana- GARKHA District- Saran

Akshay Sah @ Akshya Sah @ Akshya Kumar Sah Sonof Bhikhar Sah
Resident of Village - Salaha, P.s.- Garkha, Distt.- Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Jha, Advocate
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 07-04-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

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

Petitioner seeks bail who is in custody since
11.05.2022 in connection with Garkha P.S. Case No. 671 of
2021, F.I.R. dated 30.09.2021 for the offences punishable under
Sections 304(B)/34 of the Indian Penal Code and Section 3/4 of
the Dowry Prohibition Act.

According to prosecution case, the petitioner along
with along accused persons killed the daughter of the informant,
namely, Priti Kumari by putting knot of string in her neck due to
non-fulfillment of demand of dowry.



Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. He further submits that the petitioner is the husband of the deceased. He further submits that it appears from the F.I.R. that there is no specific allegation of any overt act against the petitioner. He further submits that in fact, the deceased has committed suicide herself and the informant is not the eye witness of the alleged occurrence. He further submits that the petitioner was not present at the time of occurrence. He further submits that the police after investigation submitted the charge sheet against the petitioner. The petitioner is in custody since 11.05.2022.

The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner and submits that the petitioner is the husband of the deceased.

Considering the aforesaid facts and circumstances, let the petitioner, above named, be released on bail **after framing of charge** and on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate 1st Class, Saran at Chapra in connection with Garkha P.S. Case No. 671 of 2021, 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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