

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53045 of 2022

Arising Out of PS. Case No.-265 Year-2021 Thana- BOCHAHAN District- Muzaffarpur

MD. EBRAM @ MD. EKRAM S/O LATE WASHI @ MD. OSHI Resident
of village- Etwarpur Taj Bharampur, P.S.- Bochahan, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Kumar Rakesh, Advocate

For the Opposite Party/s : Mr.Shahabuddin Azeem @ S. Azeem, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-03-2023 Learned counsel for the petitioner is permitted to remove the defects, as pointed out by the office, if any, within a period of four weeks from today.

Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 304(b)/34 of IPC.

The accusation is of killing the daughter of the informant for non-fulfillment 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 only on the basis of suspicion. He further submits that the informant is not the eye witness of the alleged occurrence and during investigation except the



statement of the informant and the family members of the victim no other cogent material has come against the petitioner and the police, after investigation, submitted chargesheet against the petitioner and the petitioner is in custody since 28.10.2021.

Vide order dated 17.02.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 25.02.2023 reveals that the charge has been framed against the petitioner on 03.01.2023 and the case is pending for the prosecution evidence and till date no witness has been examined on behalf of the prosecution.

Learned A.P.P. for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner.

Learned counsel for the petitioner further submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 28.10.2021.

Considering the aforesaid facts and period of custody, 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.525 of 2022 arising out of Bochahan P.S. Case No. 265 of 2021 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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