

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66665 of 2022

Arising Out of PS. Case No.-374 Year-2021 Thana- DHAKA District- East Champaran

AKHILESH PATEL @ AKHILESH KUMAR PATEL @ AKHILESH
KUMAR Son of Ram Tahal Patel R/V- Karmawa, P.S- Dhaka, Dist- East
Champaran Motihari

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Devendra Kumar, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-07-2023 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with Sessions Trial No. 482 of 2022, CIS No. 482 of 2022 arising out of Dhaka P.S. Case No. 374 of 2021 registered for the offence under Sections 304(B) and 201/34 of the Indian Penal Code.

The daughter of the informant is subjected to assault and torture on account of non-fulfillment of demand of dowry by the petitioner and others and she has finally been done to death for want of dowry.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case merely on the ground that the petitioner happens to be husband of the deceased. He further submits that on bare perusal of the F.I.R, it transpires that there is general and omnibus allegation against the petitioner and no specific allegation of assault or any overt act is attributed to him. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioner. The petitioner is rotting in judicial custody since 21.09.2021.

A report with regard to present stage of the trial has been called for by this Court vide order dated 20.03.2023 which has been received and forms part of this application at Flag-R dated 10.07.2023. On perusal thereof, it would reveal that the non of the prosecution witness has appeared for examination and the case is pending for prosecution evidence.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 21.09.2021 i.e one and ten months.

Learned A.P.P. for the State on the basis of material



available on record and the case diary vehemently opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the report of the trial court which suggest that though charges have been framed but not a single witness has been examined as yet as also the period of custody, let the, above named, petitioner 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 12th Additional Sessions Judge, East Champaran, Motihari in connection with Sessions Trial No. 482 of 2022/CIS No. 482 of 2022 arising out of Dhaka P.S. Case No. 374 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 canceled 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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