

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75552 of 2023

Arising Out of PS. Case No.-87 Year-2021 Thana- KRITYANAND NAGAR District- Purnia

AKHILESH SHARMA SON OF CHALCHITRA MISTRI @ CHALITRA
MISTRI RESIDENT OF VILLAGE JOKA JAL MOREY, BELA
RIKABGANJ, P.S.- K. NAGAR, DISTRICT- PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sarveshwar Tiwary,
For the Opposite Party/s : Mr.Rajendra Nath Jha, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 02-08-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with K. Nagar P.S. Case No. 87 of 2021 corresponding to S.Tr. No. 170/21/C.I.S. 170/21 for the offence punishable under Sections 498A and 306/34 of the Indian Penal Code lodged on 04.03.2021 by the informant, Mukesh Sharma.

3. As per the prosecution story, on 04.03.2021, the petitioner and his relative came to their house after attending a 'Bhoj' and thereafter started abusing his sister and asked her to immediately serve food, failing which, be ready for assault. He also used foul language. The lady could not tolerate the said abusive threat of the petitioner's insult and as



per the FIR, she resorted to self immolation.

4. Earlier, the bail application of the petitioner was rejected on 12.08.2022 in Cr. Misc. No. 26172 of 2022.

5. Further, on 10.05.2024, a report was called for on the status of the trial and as per the report dated 12.07.2024, it will take additional three months to conclude the same.

6. Learned counsel for the petitioner submits that he has already served in jail for more than three years, if granted bail will be appearing on each and every date and further undertaking is being given that failure to do so, the Trial Court will be free to take steps for cancellation of his bail bond.

7. Learned APP opposes the prayer stating that his release may further delay the trial.

8. Though, the contention of the learned APP is correct, the fact remains that he has remained in custody since 05.03.2021 (para-4 of the petition) and the trial has still not been concluded, the petitioner is undertaking to appear on each and every date and in that background solely on his judicial custody period which is more than three years, this Court is inclined to extend him the privilege of bail with



conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-X, Purnea, in connection with K. Nagar P.S. Case No. 87 of 2021 corresponding to S.Tr. No. 170/21/C.I.S. 170/21 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so even for a single date without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight till conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any



criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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