

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.44955 of 2016

Arising Out of PS.Case No. -108 Year- 2015 Thana -THAKRAHA District-
WESTCHAMPARAN(BETTIAH)

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1. Chhabila Chaudhary Son of Bhutta Chaudhary resident of Village-
Bhatahuwa, P.S.- Thakaraha, District- West Champaran.

.... Petitioner/s

Versus

1. The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimlesh Kumar Pandey

For the Opposite Party/s : Mr. Smt. Pushpa Sinha

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CORAM: HONOURABLE MR. JUSTICE VINOD KUMAR SINHA
ORAL ORDER

3 20-01-2017 Heard learned counsel for the petitioner and learned
counsel appearing on behalf of the State.

The petitioner is in custody since 15.06.2015 in
connection Thakaraha P.S. Case No. 108 of 2015, registered for
offences punishable under Sections 304(B)/201/34 of the Indian
Penal Code.

It has been submitted on behalf of the petitioner that no
offence under Section 304(B) of I.P.C as alleged, is made out. The
petitioner has been implicated in this case only on the basis of
suspicion as he happens to be the husband of the deceased. It has
further been submitted that there is no eye-witness to the alleged
offence and nobody has supported the case of the prosecution. It
has also been submitted that the petitioner has been languishing in



judicial custody since 15.06.2015, without having any fault.

Heard learned A.P.P. also.

Having heard both sides, considering the facts and circumstances of the case and the nature of offence, I am not inclined to grant the petitioner, the privilege of regular bail, it is accordingly rejected.

However, since the petitioner has remained in custody for more than one and half years, the Trial Court is directed to expedite the matter and once the evidence of informant is recorded in this case, the petitioner shall be at liberty to move before the Court below for grant of bail, which will be decided by the Court below on the basis of the materials available before him at that point of time.

With the above observation, this application is disposed of.

(Vinod Kumar Sinha, J)

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