

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24868 of 2019

Arising Out of PS. Case No.-127 Year-2018 Thana- CHANPATIA District- West Champaran

SANJAY PATEL S/O Late Bhimbali Patel R/o village- Barwachap,
Semuapur, P.S.- Chanpatia, District- West Champaran

... .. Petitioner/s

Versus

1. The State of Bihar
2. Kaushalya Devi W/o Sanjay Patel, D/o Vinod Prasad Patel R/o village-
Gidha, Laukaria, P.S.- Chanpatia, District- West Champaran

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Brajendra Nath Pandey

CORAM: HONOURABLE MR. JUSTICE SANJAY PRIYA
ORAL ORDER

4 19-06-2019 Heard learned counsel for petitioner and the State.

The petitioner seeks bail in Chanpatia P. S. Case No. 127/18 instituted for the offence under Section(s) 494, 498A, 323, 504/34 of the Indian Penal Code and Section 3/4 of the D.P. Act.

The prayer for bail of the petitioner was earlier twice rejected by this Hon'ble Court vide orders dated 5.10.2018 and 19.12.2018 passed in Cr. Misc. nos. 54055 of 2018 and 73266 of 2018 with liberty to renew prayer for bail after six months in the event no substantial progress is made in trial.

A report was called for from the Court below which has been received, wherein, it has been mentioned that case is



running for the evidence of prosecution witness. It further appears that case is pending at present in a vacant court.

Learned counsel for petitioner submits that petitioner is in custody for more than one year since 26.5.2018. This Court is of the view that petitioner cannot be allowed to suffer due to non serious approach of the trial Court. District and Sessions Judge has also not been careful in transferring the case of the accused who is lying in custody to the running court. From the report, it further appears that case of the petitioner, who is in custody for more than one year is pending in a vacant Court.

The petitioner is husband of the informant. The allegation against petitioner is of torturing his wife and demanding dowry. Petitioner has also performed another marriage and ousted her from the matrimonial home. Informant became handicapped by paralytic attack.

The petitioner has remained in custody for more than one year. There is no substantial progress in trial in Court below.

Considering the aforesaid, 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 the CJM, Bettiah, West Champaran in connection with Chanpatia P. S. Case No. 127 of 2018,



subject to the following conditions:-

- (i) Both the bailors shall be the close relative of the petitioner.
- (ii) The petitioner will remain present on every date of trial and absence of petitioner on two consecutive dates without valid reason will amount to cancellation of his bail bond.
- (iii) The petitioner will not try to tamper or intimidate the witnesses during trial.

The District and Sessions Judge Bettiah is directed to remain careful in future. He shall ensure that no case of accused persons who are in custody continue in vacant court for more than 15 days.

Let a copy of this order be communicated to District and Sessions Judge Bettiah, West Champaran.

(Sanjay Priya, J)

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