

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47445 of 2019

Arising Out of PS. Case No.-269 Year-2016 Thana- SIKARPUR District- West Champaran

Sunil Mahato @ Sunil Chaudhary Son of Gaya Mahto Resident of Village-
Mangarhari, P.S.-Shikarpur, District-West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Satyavrat Verma
For the Opposite Party/s : Mr.Pramod Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 30-09-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 257 of 2017 arising out of Shikarpur P.S.
Case No. 269 of 2016 for the offences punishable under
Sections 498(A), 304(B), 201 and 34 of the Indian Penal Code.

It appears that the prayer of the petitioner for grant of
regular bail was rejected by this Court by an order dated
09.03.2017 passed in Cr. Misc. No. 4587 of 2017 on the ground
that the petitioner was the husband of the victim deceased lady,
who had been done to death in her 'sasural' within two months
of marriage. Again the petitioner had approached this Court by
filing a petition for grant of regular bail bearing Cr. Misc.
No.66204 of 2018 and this Court by an order dated 28.11.2018



had though, rejected the prayer of the petitioner for grant of bail, but had directed the trial court to conclude the trial within a period of six months, however, liberty was granted to the petitioner to renew his prayer for bail after six months in the event the trial is not concluded within the aforesaid period. This is how the petitioner has again renewed his prayer for grant of regular bail.

The learned counsel for the petitioner has submitted that though, the petitioner is husband of the victim lady, but he has not been named in the FIR.

A report was called for from the learned court below and the learned Additional District & Sessions Judge VII, Bettiah, West Champaran by its letter dated 22.08.2019 has informed this Court that only two prosecution witnesses have been examined, nonetheless summons, bailable warrant and non-bailable warrant have been issued against the prosecution witnesses, as well as all the processes have been exhausted for the purposes of production of prosecution witnesses, however, the prosecution witnesses are not turning up.

Having regard to the facts and circumstances of the case, the petitioner, above named, is directed to be enlarged on regular bail on furnishing bail bonds of Rs. 10,000/- with two



sureties of the like amount each to the satisfaction of learned Additional District Judge-VII, Bettiah, District West Champaran in connection with Sessions Trial No. 257 of 2017 arising out of Shikarpur P.S. Case No. 269 of 2016.

It is needless to state that the petitioner shall appear on each and every dates so fixed by the learned court below in the ongoing trial and failure of the petitioner to appear on two consecutive occasions before the learned trial court would lead to the present order being cancelled automatically and the petitioner would be liable to be taken into custody forthwith.

(Mohit Kumar Shah, J)

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