

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16643 of 2020

Arising Out of PS. Case No.-49 Year-2009 Thana- PAROO District- Muzaffarpur

Shiv Chandra Bhagat @ Shiv Chandra Bhakt, Son of Late Langtu Bhagat
Resident of Village-Khutahi, P.S.-Paroo, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate
For the Opposite Party/s : Mr. Abhay Kumar Roy, APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

4 02-11-2020 Heard the learned counsel for the parties.

The petitioner seeks bail in connection with Paroo P.S. Case No. 49 of 2009 dated 31.03.2009 instituted for the offences under Sections 302 and 120(B) of the Indian Penal Code.

The petitioner is the husband of the deceased.

It appears from the FIR that the case was lodged in the year 2009 and the petitioner was arrested after 10 years of the lodging of the FIR. The occurrence took place after 20 years of the marriage of the deceased with the petitioner. It further appears from the records that the son of the deceased has made a statement against the petitioner but the explanation of the petitioner is that right after the occurrence, the son of the deceased was taken to his maternal grand-father's house where he was tutored to make such statement.

The petitioner is in custody since 13.09.2019.



Considering the entire set of facts in its totality, this Court is inclined to grant bail to the petitioner. Especially keeping in mind his period of custody.

The petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Sub-Judge-IIIrd-cum-A.C.J.M. IIIrd, Muzaffarpur (West) in connection with Paroo P.S. Case No. 49 of 2009.

However, the trial court is directed to conclude the trial within a period of one year from the date of receipt/production of a copy of this order. The petitioner would be under an obligation to participate in the trial and in case he absents himself from the trial proceedings on two consecutive occasions without any plausible reason or seeking permission from the trial court, the bail granted to the petitioner would be liable to be cancelled. In that event the trial court shall proceed for cancellation of bail of the petitioner.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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