

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26788 of 2020

Arising Out of PS. Case No.-174 Year-2013 Thana- GOVINDGANJ District- East
Champaran

Amresh Tiwari @ Munna (male), aged about 36 years, Son of Raj Kishore Tiwari, Resident of Village - Balha, P.S. - Govindganj, District - East Champaran.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ansul

For the Opposite Party/s : Mr. Nawal Kishore Prasad

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 04-12-2020 Heard Mr. Ansul, learned counsel for the petitioner and Mr. Nawal Kishore Prasad, learned counsel appearing for the State through video conferencing.

Petitioner seeks regular bail in connection with Sessions Trial No. 33 of 2014 (New – 2545 of 2016) arising out of Govindganj P.S. Case No. 174 of 2013 registered for the offence under Section 302 / 201 / 34 of the I.P.C. and Section 3/4 of the Dowry Prohibition Act.

The allegation as per the First Information Report is that marriage of the informant's daughter was solemnized with the petitioner on 24.06.2011 and on 01.08.2013 the daughter of the informant informed him that the petitioner and her in-laws were torturing her and on 03.08.2013 the informant visited the matrimonial home of her daughter but he could not find his daughter and has alleged that his daughter has been killed by petitioner and other accused persons.



Learned counsel for the petitioner submits that this is 3rd attempt for bail on his behalf inasmuch as on earlier two occasions the bail application of the petitioner has been rejected with the observation that the trial court may take steps for early disposal of the trial. Learned counsel further submits that the petitioner is in custody since 24.08.2013 i.e. for more than 07 years.

This court vide its order dated 21.10.2020 had called for a report from the learned court below regarding the progress of the trial and in pursuance thereof learned Additional Sessions Judge – 21 Motihari, East Champaran vide letter no. 48 dated 09.11.2020 has furnished the report stating therein that out of 10 charge sheet witnesses, 06 witnesses have been examined; 04 witnesses including the Investigating Officer are yet to be examined on behalf of the prosecution and the trial is likely to be concluded within 05 months.

Having regard to the submissions made by the parties and taking into consideration the materials available on record and the period of custody of the petitioner i.e. more than 07 years, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 10,000/-



(ten thousand) with two sureties of the like amount each to the satisfaction of learned 6th Addl. Sessions Judge, Muzaffarpur / court concerned in connection with Sessions Trial No. 33 of 2014 (New – 2545 of 2016) arising out of Govindganj P.S. Case No. 174 of 2013 on the following condition:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

praful/-

(Anil Kumar Sinha, J)

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