

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65300 of 2021

Arising Out of PS. Case No.-1 Year-2020 Thana- BAHADURPUR District- Darbhanga

SATYA NARAYAN CHAUPAL, Son of Nathan Chaupal, Resident of Village-
Dekuli Chatti, P.S.- Bahadurpur, District- Darbhanga.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Girish Chandra Jha, Advocate

For the Opposite Party/s : Mr.A.M.P. Mehta, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 24-11-2021 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. A.M.P. Mehta, learned A.P.P. for the State.

This is the second attempt of the petitioner in seeking bail in connection with S.T. No. 122 of 2021 arising out of Bahadurpur (Sonki O.P.) P.S. Case No. 01 of 2020 registered for the offence punishable under Section 304(B), 34 of the Indian Penal Code.

The petitioner is in custody since 03.01.2020. Earlier his prayer for bail was rejected by this Court vide order dated 01.12.2020 passed in Cr. Misc. No. 26190 of 2020 with an observation that the learned trial court shall take all efforts to conduct the trial on day to day basis without granting any unnecessary adjournment and the trial would be concluded



preferably within a period of nine months.

The petitioner was granted liberty to renew his prayer for bail if the trial remains unconcluded for no reason attributable to the petitioner.

Learned counsel for the petitioner has drawn the attention of this Court towards the observations made by the learned 7th Additional Sessions Judge, Darbhanga while rejecting the prayer for bail of the petitioner vide order dated 06.09.2021. Learned counsel submits that the trial of the petitioner has not yet commenced. According to him, till date only commitment has taken place. It is further pointed out that the mother of the petitioner has been granted privilege of pre-arrest bail by a learned co-ordinate Bench of this Court in Cr. Misc. No. 13015 of 2021 (Annexure '2'). It is his submission that the petitioner is a labourer and considering his conditions together with the fact that he has remained in custody for almost two years but the trial has not yet commenced, he deserves privilege of bail.

Learned APP for the State has though opposed the prayer for bail of the petitioner but this Court having noticed the observations made earlier and that the trial has not yet commenced directs release of the petitioner above named on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of



learned 7th Additional Sessions Judge, Darbhanga in connection with S.T. No. 122 of 2021 arising out of Bahadurpur (Sonki O.P.) P.S. Case No. 01 of 2020, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the petitioner shall attend the trial on each and every date fixed in the matter. Two consecutive defaults in putting appearance shall invite action towards cancellation of bail of the petitioner by the learned court below itself.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

vats/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

