

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16300 of 2022**

Arising Out of PS. Case No.-312 Year-2019 Thana- BAIRIYA District- West Champaran

LAXAN CHAUDHARY @ LACHUMAN CHAUDHARY @ LAXMAN
CHAUDHARY Son of Rameshwar Chaudhary Resident of Village - Bagahi
Bakuliya Tola, P.S.- Bairiya, District - West Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Chandra Verma, Advocate
For the Opposite Party/s : Ms. Anita Kumari Singh, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

4 20-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner has renewed his prayer for bail in a case registered under sections 304B and 34 of the Indian Penal Code.

As per the prosecution case, the accused persons including the petitioner herein who happens to be the husband of the deceased started to torture the daughter of the informant for non-fulfillment of demand of dowry of a new motor-cycle. She was threatened and ultimately strangled to death.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 19.7.2021 passed in Cr. Misc. no. 736 of



2021(Annexure-1) directing the learned trial Court to expedite the trial. In spite of the petitioner having remained in custody for more than two years and one year having passed since the order of last rejection of the bail of the petitioner, only one witness has been examined by the prosecution in the learned trial Court. It is submitted that the petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

A report was called for from the learned trial Court. As per the report received contained in letter dated 28.4.2022 charge was framed on 4.10.2021 and one out of five witnesses has been examined on behalf of the prosecution. The Court is vacant since 27.2.2022.

Heard learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the facts of the case together with the petitioner having remained in custody for more than two years and the progress in the trial as reported by the above letter dated 28.4.2022, the Court directs the petitioner to be enlarged on bail in connection with Bairiya P.S. Case No. 312 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the



learned 1st Additional Sessions Judge, Bettiah, West Champaran
subject to the following conditions :

ii) One of the bailors of the petitioner shall be his
father.

(ii) The petitioner shall remain physically present in
Court on each date of the trial.

In case of the petitioner's absence on two consecutive
dates for reasons not to the satisfaction of the learned Trial
Court or in case the learned Trial Court is of the opinion that the
trial is being delayed due to non-cooperation on part of the
petitioner, the learned Trial Court may cancel the bail bond of
the petitioner and take him into custody till conclusion of the
trial.

(Partha Sarthy, J)

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