

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27586 of 2021

Arising Out of PS. Case No.-107 Year-2017 Thana- MADHEPUR District- Madhubani

MITHILESH CHAUPAL S/o Chandeshwar Chaupal Resident of Village-
Matras Punarwas, P.S.- Madhepur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Ranjan, Adv.

For the Opposite Party/s : Mr. Murli Dhar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 04-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner who happens to be the husband of the deceased has renewed his prayer for bail in a case registered under sections 304B, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the victim girl was done to death for nonfulfilment of demand of dowry of a motorcycle. The death took place within seven years of marriage.

It is submitted by learned counsel for the petitioner that the petitioner is innocent and has been falsely implicated in the case. Even in the earlier order rejecting the prayer for bail of the petitioner on 15.10.2019 direction was given to expedite the trial and to conclude the same within a period of eight months.



Inspite of more than two years having passed since passing of the said order, the examination of the prosecution witnesses still continues and because of the Covid-19 pandemic there is no chance of the trial concluding in the near future. On merits, it is submitted that there is inordinate delay in sending the F.I.R. to the Court. The petitioner has remained in custody since 21.11.2017 and has no criminal antecedent. The petitioner undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

A report was called for from the learned trial Court with respect to the stage of trial. From perusal of the report contained in letter dated 16.12.2021 it transpires that eight out of the ten chargesheet witnesses have been examined and the doctor remains to be examined.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the nature of allegation and the progress in the trial in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

The Superintendent of Police, Madhubani is directed to ensure the presence of the remaining prosecution witnesses including the doctor in the trial being Sessions trial no.101 of



2018 in the Court of Incharge Sessions Judge, Circuit Court,
Jhanjharpur, District Madhubani at the earliest.

The learned trial Court is directed to conclude the trial
within three months from the date of receipt/communication of
a copy of this order.

(Partha Sarthy, J)

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