

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 25824 of 2022**

Arising Out of PS. Case No.-288 Year-2019 Thana- RANIGANJ District- Araria

=====

LAXMI CHAUPAL @ LAXMI CHOUAPL @ LAKSHMI CHAUPAL Son
of Sukhdeo Chaupal Resident of village - Bengwahi Ward No.1, P.s.-
Raniganj, Distt.- Araria.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr Gopal Kumar Jha, Advocate

For the Opposite Party/s : Mr Md Aslam Ansari, APP

=====

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

3 17-08-2022 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, *APP*) appearing for
the State of Bihar.

The petitioner seeks bail in Raniganj Police Station
(for brevity, *PS*) Case No 288 of 2019 (GR No 3057 of 2019)
corresponding to Sessions Trial No 21 of 2021 registered for the
offence punishable under Sections 363, 365 of Indian Penal
Code (for brevity, *IPC*) in which later on Sections 302, 201,
120B of IPC have been added.

Petitioner's prayer for anticipatory bail was earlier
rejected by this Court by order dated 11.12.2019 passed in Cr
Misc No 70779 of 2019. Prayer for regular bail was rejected by
this Court by order dated 05.02.2021 passed in Cr Misc No



29070 of 2020. Thereafter, the petitioner withdrew Cr Misc No 65064 of 2021 for moving the trial Court.

It is submitted by the petitioner's counsel that having no antecedent, the petitioner has remained in custody since 28.01.2020, i e, more than 2 and half years. It is also submitted that there is no progress at the trial.

This Court has called for report from the trial Court. Report dated 07.07.2022 is clear to the effect that not a single witness has been examined at the trial.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody as also stage of the trial, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge III, Araria in Sessions Trial No 21 of 2021 arising out of Raniganj PS Case No 288 of 2019 (GR No 3057 of 2019) subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

U		T	
---	--	---	--

