

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51559 of 2022

Arising Out of PS. Case No.-375 Year-2019 Thana- BARACHATTI District- Gaya

Bhola Prajapati @ Bhola Kumar, aged about 23 years, Male Son of Lakhan
Prajapati R/V- Ratni, P.S- Barachatti, Dist- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Md. Javed Jafar Khan, Adv.
For the State : Mr. Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 07-12-2022 Heard learned counsel for the petitioner and learned
counsel for the State.

This Court would expect that the petitioner's
counsel would honour his undertaking in the instant proceedings
regarding supply of requisite court fee etc. within two weeks
from the date he is called upon to do so by the office.

The petitioner seeks bail in Barachatti PS Case No.375
of 2019, instituted for the offence punishable under Sections
304(B)/34 of the Indian Penal Code.

Petitioner's earlier prayer for bail has been rejected
by this Court on 04-03-2021 passed in Cr. Misc. No. 39443 of
2020 (Annexure-1). Being husband of the victim, he is accused
of offences under Section 304B/34 of the IPC.



The learned counsel for the petitioner submits that petitioner has remained in custody since 13.11.2019 and there is hardly any progress at the trial. In view of the aforesaid submissions earlier, this Court had requisitioned the report from the learned Trial Court. Pursuant to which, report dated 01-12-2022 has been received, which is clear in stating that charges were framed on 23.04.2022 and in the last about eight months only one prosecution witness out of six charge sheeted witness has been examined.

The learned APP for the State has opposed the prayer for bail.

Having regard to the fact that there is no progress at the trial and the petitioner's period of custody now exceeding three years, this Court, for the purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/-(Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge- Civil Court, Gaya in connection with Sessions Trial No. 172 of 2021(S.J.) 67/22 arising out of Barachatti P. S. Case No. 375 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.

(Madhuresh Prasad, J)

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