

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68692 of 2022

Arising Out of PS. Case No.-106 Year-2018 Thana- MADHUBAN District- East Champaran

Md. Tabrej Alam Son of Late Md. Naimuddin Mian R/O Vill.- Madhopur,
Tasgari, P.S.- Madhuban, Distt.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhurendra Kumar, Advocate

For the Opposite Party/s : Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-12-2022

Heard learned counsel for the parties.

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 daughter of the informant who was married to the petitioner herein in the year 2017 was burnt to death due to non fulfilment of demand of dowry.

The earlier application for bail of the petitioner was rejected vide order dated 7.10.2021 (Annexure-1) passed in Cr. Misc. no.69741 of 2019.

It is submitted by learned counsel for the petitioner that inspite of the petitioner being in custody since 27.8.2018 and not having any criminal antecedent, there is no progress



whatsoever in the trial in the learned trial Court and the same would be reflected from the order dated 15.10.2022 passed by the learned 21st Additional Sessions Judge, Motihari, East Champaran rejecting the prayer for bail of the petitioner. The petitioner undertakes to cooperate in the trial.

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

Having heard learned counsel for the parties and on perusal of the materials on record, it transpires specially from the order dated 15.10.2022 of the learned trial Court that inspite of the issuance of summons,ailable warrant and nonailable warrant against the witnesses as also inspite of the issuance of show cause to the SHO, Madhuban, not a single witness has been produced in the trial on behalf of the prosecution.

Taking into consideration these facts as also the petitioner having remained in custody for about 4 years 3 months since 27.8.2018, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 388 of 2019 (arising out of Madhuban P.S. Case no. 106 of 2018) 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 21st Additional Sessions Judge, Motihari, East Champaran.

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(Partha Sarthy, J)

