

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8008 of 2023

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

MITHILESH CHAUPAL SON OF CHANDESHWAR CHAUPAL R/O
VILL.- PUNARBAS, P.S.- MADHEPUR, DISTT.- MADHUBANI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Suraj Narain Yadav Sweta Kumari, Masoom Alam, Chandra Mohan Advocates
For the Opposite Party/s	:	Mr. Yogendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 12-04-2023 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 304B, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the victim girl who was married to this petitioner was done to death for non fulfillment of demand of dowry.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide orders dated 10.5.2018, 15.10.2019 and 4.1.2022 (Annexure-1 series) directing the learned trial court to conclude the trial within three months. It is submitted that the petitioner has remained in custody for more than five years since 21.11.2017



and inspite of the repeated directions of this Court in the earlier orders, the trial has still not concluded nor is there any chance of the same concluding in the near future. Even otherwise the petitioner has a good case on merit. There is inordinate delay in sending of the FIR to the Court and further from Annexure-3 series, it would transpire that the petitioner had taken the alleged victim ie his wife to the hospital for treatment.

Heard learned APP for the State.

A report was called for from the learned trial court. As per the report received contained in letter dated 25.3.2023 of the Addl. Sessions Judge III, Jhanjharpur, two chargesheeted witnesses are yet to be examined.

Having heard learned counsel for the parties and taking into consideration the petitioner having remained in custody for more than 5 years since 21.11.2017 and the trial not having concluded, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 101 of 2018 (arising out of Madhepur P.S. Case no. 107 of 2017) 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 Additional District & Sessions Judge III, Jhanjharpur on the following conditions:-



(I) The petitioner shall remain physically present in court on each date of the trial and shall cooperate in the trial.

(II) 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)

Spd/-

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

