

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20333 of 2023

Arising Out of PS. Case No.-121 Year-2022 Thana- KORHA District- Katihar

Chhotu Vyadha @ Chhitu Vyadha @ Chhotu Kumar Vyadha @ Chhitu
Vyadha Son of Umacharan Byadha R/V- Bansgarha, PS- Korha Dist- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Raghvendra Kumar Singh, Advocate

For the Opposite Party/s : Mr.Harendra Prasad,APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 14-09-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 31.03.2022 in connection with Korha P.S. Case No. 121 of 2022, G.R.No. 1112 of 2022, F.I.R. dated 14.03.2022 registered for the offence punishable under Sections 304(B),302/34 of IPC but the police, after investigation, submitted chargesheet under Sections 304(B), 306/34 of the IPC.

3. Allegation against the petitioner is that he alongwith other co-accused persons have in furtherance of their common intention committed the dowry death of the daughter of the informant.



4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated and the petitioner has not committed any offence as alleged in the FIR and it appears from the postmortem report that the victim has committed suicide herself. The petitioner is husband of the deceased and it has come during investigation that the victim has committed suicide herself. Petitioner is in custody since 31.03.2022.

5. Vide order dated 06.07.2023, a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 26.07.2023 reveals that the charge has been framed against the petitioner on 01.12.2022 but the prosecution has not examined any witness as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in judicial custody approximately one and half year.

7. Learned APP for the State has opposed the prayer for bail of the petitioner on the ground that the petitioner carries one more case other than the present one but fairly



submits that the petitioner is on bail in the said case, as mentioned in para-3 of the bail petition.

8. Considering the aforesaid fact and report of the learned Trial Court, 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 learned Chief Judicial Magistrate, Katihar in connection with Korha P.S. Case No. 121 of 2022, G.R.No. 1112 of 2022, with the following conditions:-

(I) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(II) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(III) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for



cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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