

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16646 of 2022

Arising Out of PS. Case No.-355 Year-2018 Thana- PAROO District- Muzaffarpur

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MADINA MIYAN @ MADINA MIYA SON OF MD. JAN MIYAN
RESIDENT OF VILLAGE- KESHOPUR BABHAN GAON, POLICE
STATION- PAROO, DISTRICT- MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Upendra Kumar Chaubey, Advocate
For the Opposite Party/s : Ms. Rina Sinha, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 06-01-2023 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302, 201, 120B and 34 of the Indian Penal Code.

As per the prosecution case, the daughter of the informant was married to the petitioner. It is stated by the informant that she was tortured for non-fulfillment of demand of dowry and because she was not giving birth to a child. Subsequently she was done to death by strangulating her.

It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide



order dated 12.7.2019 passed in Cr. Misc. no. 28210 of 2019 directing the learned trial Court to expedite the trial. Inspite of the petitioner being in custody since 22.9.2018, the trial has still not concluded and there is no chance of the same concluding in the near future. The allegations leveled in the F.I.R are also not supported from the contents of the postmortem report. The petitioner undertakes to cooperate in the trial.

A report was called for from the learned trial Court. As per the report received two witnesses have been examined on behalf of the prosecution and six witnesses are yet to be examined for which letters have been issued to the S.S.P, Muzaffarpur.

Heard learned A.P.P for the State.

Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner, the petitioner having remained in custody for more than 4 years since 22.9.2018 and the report with respect to stage of the trial in the learned trial Court wherein six witnesses are yet to be examined on behalf of the prosecution, the petitioner is directed to be enlarged on bail in connection with Session Trial no. 270 of 2019 (arising out of Paroo P.S. Case no. 355 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 Additional Sessions Judge-XVI, Muzaffarpur, on the condition that the petitioner shall remain physically present in the learned trial Court on each date of the trial and shall cooperate in the trial.

(Partha Sarthy, J)

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