

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31738 of 2023

Arising Out of PS. Case No.-215 Year-2018 Thana- LAKHNAUR District- Madhubani

CHANDAN KUMAR S/O RAM GANESH PRASAD MAHTO Resident of
Village- Pure, P.S.- Lakhsaur, District- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gagan Deo Yadav, Advocate
	:	Mr. Ravi Prakash, Advocate
	:	Mr. Vinod Kumar, Advocate
	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s :	:	Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 28-06-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.
2. Petitioner seeks regular bail in connection
Lakhnaur P.S. Case No.215 of 2018 dated 04.11.2018 registered
for the offence(s) punishable under Section(s) 304(B) and 34 of
the Indian Penal Code
3. This is second attempt of the petitioner for
the relief of regular bail after his earlier prayer for the same
relief was rejected by this Bench vide order dated 15.03.2023
passed in Cr. Misc. No.56956 of 2022 preferred by this
petitioner and now the petitioner has come again for the same
relief mainly on the ground of liberty given to him in the earlier



rejection order.

4. As per the allegation, the informant alleged that the daughter (victim) of Upendra Mahto has been killed by this petitioner (husband) and her in-laws by poisoning her over non-fulfillment of demand of dowry.

5. The fresh grounds taken by learned counsel for the petitioner in the present petition are that the petitioner has been languishing in jail since 18.07.2022 and he has spent about eleven and half months in jail and his trial has started and upon him the charges have been framed on 28.02.2023 but after the framing of charges no progress has been made in the trial of the petitioner and not a single prosecution witness has been examined till date and in the earlier rejection order of the petitioner he was given a liberty to renew his bail prayer after framing of charge and in the light of the said liberty he has again come before this Court for the same relief and the informant has compromised this case also and the victim died due to snake bite, though in the FSL report a contradictory opinion regarding the cause of death was made and victim's mother-in-law carrying similar nature of allegation has been granted bail and there is no chance of early completion of the petitioner's trial.

6. Learned APP appearing for the State opposes the bail prayer.



7. Heard both the sides. Though there is a serious allegation against this petitioner but however considering his custody period which has been about eleven and half month and the petitioner's trial has started and as per above submission no prosecution witness has been examined till date despite the charges upon him having been framed on 28.02.2023 and one co-accused as mentioned above is on bail, in the opinion of this court, in the present circumstances the petitioner now deserves to a lenient approach of this court. Accordingly, let the petitioner 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 concerned Court in connection with Lakhnaur P.S. Case No.215 of 2018.

(Shailendra Singh, J)

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