

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48855 of 2023

Arising Out of PS. Case No.-218 Year-2020 Thana- KATEYA District- Gopalganj

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GUDDU MADESIYA @ GUDDU MADHESHIYA @ GUDDU
MADESHIYA S/O VIJAY KUMAR SAH @ VIJAY MADESHIYA @ VIJAY
MADHESHIYA @ VIJAY RAMLAGAN SAH MADESHIYA R/O
VILLAGE- KHALGAON (KHALGANW), PS. KATEYA, DIST.
GOPALGANJ

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Lokesh Kumar Singh
For the Opposite Party/s : Mr.Aditya Narayan Singh.1

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Session Trial No. 143 of 2021 arising out of Kateya P.S. Case No.
218 of 2020 registered for the offences punishable under Sections
304(B), 201/34 of the Indian Penal Code.

3. As per prosecution case, there is accusation
against the petitioner and others to have killed the informant's
daughter by setting her on fire due to non-fulfillment of demand of
dowry.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 21.09.2020 and bears no criminal
antecedent. Charge sheet has been submitted in this case and there



is no likelihood of tampering with the prosecution evidence. He further submits that the bail prayer of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 59288 of 2021 on 24.08.2022 with an observation that the trial court is directed to expedite the trial as early as possible preferably within nine months. If the trial is not concluded within the aforesaid period, the petitioner would be at liberty to renew his prayer for bail. He further submits that the present bail petition of the petitioner has been filed after one year from the date of rejection of earlier bail prayer of the petitioner. He further submits that charges have been framed against the petitioner on 23.08.2021 and since the date of framing of charge only one witness has been examined till 20.07.2023. He further submits that the trial is going at slow pace which is evident by the factum of framing of charge and examination of witness and the delay of trial is not attributable to the present petitioner as he is in custody since 21.09.2020 which is near about three years.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within nine months, the petitioner may renew his prayer for bail.



6. A report regarding stage of trial has been called for vide order dated 02.08.2023. The trial court vide letter no. 305 has sent its report which reveals that charges have been framed on 23.08.2021. It further reveals that only one witness has been examined till 20.07.2023. The aforesaid report further reflects that the delay of trial is not attributable to the present petitioner as he is in custody since 21.09.2020.

7. Considering the facts and circumstances of the case, period of custody undergone by the petitioner which is near about three years, trial is not concluded within nine months and delay of trial is not attributable to the petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Session Judge – X, Gopalganj in connection with Session Trial No. 143 of 2021 arising out of Kateya P.S. Case No. 218 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain



present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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