

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51972 of 2023

Arising Out of PS. Case No.-53 Year-2011 Thana- CHAPRA TOWN District- Saran

1. Omprakash Prasad S/O Late Kharan Prasad
2. Chandan Kumar S/O Omprakash Prasad, Both Are R/O Village- Indra Nagar, Ps. Town, Dist. Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Dipak Kumar, Advocate

For the Opposite Party/s : Mr.Md. Shakir Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 17-08-2023 Heard the parties.

The petitioners are in judicial custody in connection with Chapra Town P.S. Case No.53 of 2011 instituted under Sections 498(A), 304(B) of the Indian Penal Code lodged on 21.08.2011 by the informant Mandrika Paswan.

As per the prosecution story, the victim girl was married to the petitioner no.1, Omprakash Prasad son but was tortured for dowry and subsequently she died and as per the FIR the allegation is of killing.

Learned Senior Counsel submits that though these two petitioners, father-in-law and brother-in-law could not appear in trial, the husband and mother-in-law appeared and subsequently were acquitted on the ground of no evidence.

Learned APP on the other hand has taken this Court to



order sheet of the learned Sessions Judge to show that the matter is of 2011 and twice the petitioners moved in anticipatory bail. Firstly in Cr. Misc. No.28228 of 2011 which was rejected followed by another Cr. Misc. No.21879 of 2014 (three years later) this was rejected incorporating that this is second attempt, the prayer is refused with further direction to the learned trial court to take all coercive steps ensuring their attendance/appearance.

From the records, learned APP submits that they chose to defy the order of the Patna High Court. Now they are seeking bail.

Considering the facts on record, for the present this Court is not inclined to grant relief to the petitioners, as in a 2011 FIR, they chose to come into judicial custody 12 years later in 2023. In that background, the bail application stands rejected.

In view of the fact that the matter is a decade old, the learned trial court shall take all steps and ensure conclusion of the trial within a period of six months from today.

(Rajiv Roy, J)

Prakash Narayan

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