

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56629 of 2023

Arising Out of PS. Case No.-217 Year-2020 Thana- HARSIDHI District- East Champaran

Binod Sah S/O Rama Sah R/O Village- Manikpur, Rupdih, P.S- Harsidhi,
Distt.- East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Karandeep Kumar

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 13-10-2023 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a
case registered for the offences punishable under
Sections 304B/34 of the Indian Penal Code.

Earlier the prayer for bail of the petitioner was
rejected vide order dated 31.01.2023 passed in Cr.
Misc. No. 13871 of 2022 with an observation to the Trial
Court to expedite the trial and conclude the same within
a period of six months.

It is a case of commission of murder of the
daughter of the informant for non-fulfillment of dowry



demand.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely been implicated in this case. The petitioner is husband of the deceased. He was outside State for livelihood and just after two days of his return, the victim committed suicide. There is no prior complain of harassment or torture against the petitioner. The petitioner is languishing in custody since 24.12.2020.

In contra, learned A.P.P appearing on behalf of the State has vehemently opposed the prayer for bail of the petitioner and submitted that petitioner is husband of the deceased and several witnesses have supported the prosecution case and the postmortem report also shows the cause of death due to asphyxia caused by strangulation.

In pursuance to the direction of this Court, a report with regard to the present stage of the trial has been received and it has been kept at Flag-A. The report



of learned 14th Additional District & Sessions Judge, East Champaran, Motihari dated 18.09.2023 suggests that out of five charge-sheeted witnesses, only witness has been examined and the trial is likely to be concluded within six months.

Since in the order dated 31.01.2023 passed in Cr. Misc. No. 13871 of 2022, rejecting the prayer for bail of the petitioner, it was specific direction of this Court to conclude the trial within six months but after a lapse of eight months, only one prosecution witness has been examined, which suggests that there is no likelihood of the trial to be concluded in near future.

Considering the facts aforesaid, period under custody and the fact that there is no likelihood of the trial being concluded in near future let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned 14th Additional Sessions Judge, East Champaran,



Motihari in connection with Sessions Trial No. 577 of
2021, arising out of Harsidhi P.S. Case No. 217 of
2020.

(Sunil Kumar Panwar, J)

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