

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59017 of 2023

Arising Out of PS. Case No.-455 Year-2018 Thana- JAYNAGAR District- Madhubani

Pravesh Kumar Chaudhary @ Pravesh Chaudhary S/O- Vishnudeo Chaudhary
R/O- Village- Barhi, P.S.- Jai Nagar, Dist.- Madhubani.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Maya Shankar Mishra, Advocate

For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 13-10-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since 12.08.2018 in connection with Jaynagar P.S. Case No. 455 of 2018, F.I.R. dated 11.08.2018 for the offences punishable under Sections 447, 147, 148, 149, 302, 323, 324, 307, 120(B) of the Indian Penal Code.

3. Allegation against the petitioner is of stabbing the father of the informant multiple time on his stomach as a result of which he died.

4. Learned counsel for the petitioner submits that petitioner has clean antecedent and he has falsely been implicated in the present case. Further submits that earlier the bail petition of the petitioner was twice rejected vide order dated 12.09.2022 in Cr. Misc. No.17779 of 2022 and vide order dated



17.05.2023 in Cr. Misc. No.31190 of 2023.

5. Vide order dated 08.09.2023, a report was called for with regard to stage of the trial. Report dated 14.09.2023 of the trial court reveals that charge has been framed against the petitioner on 15.07.2021 and only one witness has been examined as yet.

6. Learned counsel for the petitioner referring the aforesaid report and submits that in view of the aforesaid report the reveals that trial is not likely to be concluded in near future and the petitioner is in custody since 12.08.2018 more than five years.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

8. Considering the aforesaid facts and circumstances and report of the learned trial court, and period of custody, let the petitioner, above named, 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 learned First Additional Sessions Judge-cum-Special Judge, Madhubani in connection with Jaynagar P.S. Case No. 455 of 2018, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be



properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. 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.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

Prakash Narayan

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