

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63608 of 2023

Arising Out of PS. Case No.-136 Year-2021 Thana- BARHARA District- Bhojpur

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BINOD CHAUDHARY @ BINOD KUMAR @ VINOD KUMAR
CHAUDHARY SON OF LATE AKSHE LAL CHAUDHARI @ LATE
AKSHAY LAL CHAUDHARI RESIDENT OF VILLAGE- RAMSAGAR, PS-
BARAHARA, DIST- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramendra Kumar Singh

For the Opposite Party/s : Mr.Umanath Mishra

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-10-2023 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. 14 of 2023 arising out of Barahara P.S. Case No.
136 of 2021 registered for the offences punishable under Sections
304(B)/34 of the Indian Penal Code.

3. As per prosecution case, petitioner alongwith
others has committed the murder of informant's sister 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 30.06.2021 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. 43492 of 2022 on 31.01.2023 with an observation that if the trial is not concluded within six months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail. He further submits that since the date of rejection of earlier bail prayer of the petitioner nine months have already been lapsed and only five prosecution witnesses have been examined on behalf of the prosecution and three prosecution witnesses alongwith Investigating Officer and Doctor are yet to be examined. He further submits that delay of trial is not attributable to the present petitioner as he is in custody since 30.06.2021. He further submits that period of custody undergone by the petitioner is more than two 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 within six months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 192/2023 has sent its report which reveals that five



prosecution witnesses have been examined on behalf of the prosecution and three prosecution witnesses alongwith Investigating Officer and Doctor are yet to be examined.

7. Considering the facts and circumstances of the case, period of custody undergone by the petitioner which is more than two years, trial is not concluded within the stipulated period of six 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 13th Additional Sessions Judge, Bhojpur, Ara in connection with Session Trial No. 14 of 2023 arising out of Barahara P.S. Case No. 136 of 2021, 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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