

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 66150 of 2022

Arising Out of PS. Case No.-296 Year-2020 Thana- BARAUNI District- Begusarai

CHHAPPAN KUMAR @ SANJAY SON OF SURESH BIND @ MARUTI
R/O VILLAGE- MALHIPUR BIND TOLI, P.S.- BARAUNI (CHAKIA O.P.),
DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : M/s Vikramdeo Singh, Arjun Pd, Advocates
For the Opposite Party/s : Mr Abhay Kumar Roy, APP

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **11-01-2023** Heard learned senior counsel for the petitioner and
learned Additional Public Prosecutor (for brevity, **APP**)
appearing for the State of Bihar.

The petitioner seeks bail in Sessions Trial No 131 of
2022 arising out of Barauni (Chakiya OP) Police Station (for
brevity, **PS**) Case No 296 of 2020 registered for the offence
punishable under Sections 304B, 201 of Indian Penal Code.

Petitioner's prayer for bail was earlier rejected by this
Court (Annexure 1 series).

The petitioner's case is that in order to discharge
social obligation, he had solemnized marriage with his deceased
brother's wife, who is the victim in the instant case. Allegation
regarding demand for dowry is, thus, baseless. He has remained



in custody since 12.08.2020.

Considering the nature of accusation along with his criminal antecedents (six in number), this Court had rejected the petitioner's prayer for bail earlier. In the present application, the learned counsel submits that there is fresh material inasmuch as four charge sheeted witnesses have been examined and all have turned hostile. This aspect is clear from the order dated 12.10.2022 rejecting the petitioner's prayer for bail by the Court of Additional Sessions Judge V, Begusarai. The petitioner, by now, has remained in custody for nearly two and half years. Last witness, as per the petitioner's counsel, was examined on 21.09.2022. For the last more than three months, there has been no progress in the trial.

Learned APP has opposed the prayer for bail.

Having considered the rival submissions, period of custody and also the status of the trial, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge V, Begusarai in



Barauni (Chakiya OP) PS Case No 296 of 2020, Trial No 131 of 2022 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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