

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49863 of 2024

Arising Out of PS. Case No.-114 Year-2023 Thana- BUXAR District- Buxar

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Dipu Chouhan son of Paras Noniya @ Paras Chouhan R/o Village- Nai Bazar
W.No-6, P.S- Buxar (T) Dist- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Shreekant Pandey, Advocate

For the Opposite Party/s : Mr.Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-08-2024 Heard Mr.Shreekant Pandey, learned counsel for the

petitioner and Mr.Dr. Kumar Uday Pratap, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
25.02.2023 in connection with Buxar Town P.S. Case No. 114
of 2023, F.I.R. dated 24.02.2023 registered for the offence
punishable under Sections 304(B)/34 of IPC.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 30.08.2023 passed in Cr. Misc.
No.45369 of 2023.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
the petitioner has been made accused in the present case merely



on the ground that he is husband of the deceased. Learned counsel for the petitioner submits that the charge has been framed in the present case on 20.07.2023 and trial has not begun as yet.

5. Vide order dated 12.07.2024 a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 20.07.2024 reveals that out of eight chargesheet witnesses, prosecution has not examined any witness as yet. Report of the learned Trial Court further reveals that despite of issuing repeated summons, no witness has been examined as yet.

6. Learned APP for the State has opposed the prayer for bail of the petitioner.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 25.02.2023.

8. Considering the aforesaid facts, petitioner has clean antecedent, report of the learned Trial Court and the 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



learned Additional Sessions Judge-II, Buxar in connection with Buxar Town P.S. Case No. 114 of 2023, with 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/her absence on two consecutive dates without sufficient reason, his/her 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)

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