

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77437 of 2023

Arising Out of PS. Case No.-272 Year-2020 Thana- DHANARUA District- Patna

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DEEPAK KUMAR S/O PRITHVI RAJ @ PRITHVI RAJ CHAUHAN
RESIDENT OF VILLAGE- HAZRAT SAI, POST- HAZRAT SAIN, P.S.-
DHANARUA, DISTRICT- PATNA, BIHAR-804451

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Apurv Harsh, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 05-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Dhanarua P.S. Case no.272 of 2020 registered under sections 304B and 34 of the Indian Penal Code.

3. The earlier prayer for bail of the petitioner was rejected vide order dated 25.3.2022 passed in Cr. Misc. no.52000 of 2021 and vide order dated 29.3.2023 passed in Cr. Misc. no.73499 of 2022.

4. As per the prosecution case, the petitioner who happens to be the husband of the deceased along with other accused are said to have assaulted and tortured the daughter of the informant and of having killed her.



5. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case only for the reason of his being the husband of the deceased. Neither there is any eye witness to the occurrence nor any material has transpired to connect him with the alleged crime. Charges have been framed in the case and the trial has commenced. In spite of the petitioner being in custody since 1.10.2020 and charge having been framed on 17.1.2023, only one witness has been examined in the last almost one year since framing of charge. Admittedly he is also not an eye witness to the occurrence. It is submitted that while rejecting the application for bail vide order dated 29.3.2023, this Court had granted liberty to the petitioner to renew his prayer for bail in case there is no substantial progress in trial in the learned trial Court in six months.

6. The application for bail is opposed by learned A.P.P. for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 21.12.2023, out of the seven prosecution witnesses mentioned in the chargesheet, one witness has been examined.

8. Having heard learned counsel for the parties and taking into consideration the nature of allegation, the petitioner



having remained in custody for more than 3 years since 1.10.2020 and there being no substantial progress in the trial in the learned trial Court since framing of charge almost a year back on 17.1.2023 as only one witness has been examined on behalf of the prosecution, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.89 of 2021 (arising out of Dhanarua P.S. Case no.272 of 2020) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge II, Masaurhi, District Patna.

(Partha Sarthy, J)

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