

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.27897 of 2024

Arising Out of PS. Case No.-4 Year-2023 Thana- AGIAON District- Bhojpur

Mangaru Chaudhary Son of Rajendra Chaudhary Resident of vill.-Mandari,
P.S.-Agion(G), Distt.-Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajani Ranjan Pd. Singh, Advocate

For the State : Mr. Jitendra Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 24-02-2025 Learned counsel for the petitioner submits that in paragraph no.4 of the petition, he has erroneously incorporated the fact that the informant is the father. Actually as per the F.I.R., the informant is the brother and for such lapses, he shall be depositing a cost of Rs.500/- to Patna High Court Legal Services Committee today itself.

2. Heard the parties.

3. The petitioner is in judicial custody in connection with S.Tr. No. 327 of 2023 arising out of Agion P.S. Case No. 4 of 2023 for the offences punishable under Sections 302, 201 and 34 of the Indian Penal Code, lodged on 15.01.2023 by the informant, Parmanand Kumar.

4. As per the prosecution story, the informant alleged that his sister was married to this petitioner but was tortured for dowry and she was complaining that the in-laws may kill her. On 15.01.2023, he got a call from the villagers that she has been



beaten to death and they have also cremated the body. The informant immediately informed the police and then went to the sister's home only to find, everyone escaped. Accordingly, the F.I.R.

5. In this case, considering that the petitioner is in custody since 16.01.2023, a report was called for from the Trial Court. As per the report dated 21.01.2025, the charge was framed on 19.07.2023 but despite summons, bailable warrants and non bailable warrants, no one has turned up. The letter dated 21.01.2025 read as follows:

From,

*Satyendra Singh,
District & Additional Sessions Judge-III,
Bhojpur at Ara.*

To,

*The Assistant Registrar,
Hon'ble High Court of Judicature at Patna.*

Bhojpur at Ara, dated-21.01.2025

Sub:- Regarding compliance of order of Hon'ble Court passed in Cr. Misc. No. 27897/2024 on 10.01.2025.

Sir,

Most humbly and respectfully, I have to submit the present status of the case in respect of S.Tr. No.- 327/2023 arising out of Akaion (G) P.S. Case No.-4/2023 as follows:-

- 1. This case record received in this court on 16-06-2023 at the stage of charge.*
- 2. On 19-07-2023 charge has been framed & case record fixed for prosecution evidence & summon, B/W, N.B.W. and Dasti summon have been issued for prosecution witnesses.*



*3. In compliance of processes no any witness turn up till now.
Next date fixed on 28-01-2025 for Prosecution evidence.*

This is for kind information and needful.

Your 's Faithfully,

*District & Additional Sessions Judge-III,
Bhojpur at Ara*

6. It is to be noted that on 25.06.2024 also, the Trial
Court had submitted a report which read as follows:

From,

*Satyendra Singh,
District & Additional Sessions Judge-III,
Bhojpur at Ara.*

To,

*The Assistant Registrar,
Hon'ble High Court of Judicature at Patna.*

Bhojpur at Ara, dated-25.06.2024

*Sub:- Regarding compliance of order of Hon'ble Court passed
in Cr. Misc. No. 27897/2024 on 21.06.2024..*

Sir,

*Most humbly and respectfully, I have to submit the
present status of the case in respect of S.Tr. No.- 327/2023
arising out of Agaion (G) P.S. Case No.-4/2023 as follows:-*

*1. This case record received in this court on 16-06-2023 at the
stage of charge.*

*2. On 19-07-2023 charge has been framed & case record fixed
for prosecution evidence & summon, B/W, N.B.W. and Dasti
summon have been issued for prosecution witnesses.*

*3. In compliance of processes no any witness turn up till now.
Next date fixed on 03.07.2024 for Prosecution evidence.*

This is for kind information and needful.



Your's Faithfully,

*District & Additional Sessions Judge-III,
Bhojpur at Ara*

7. A perusal of the letter dated **25.06.2024** and **21.01.2025** would show that not a single word has been changed in it save and except the date where 25.06.2024 has been made 21.01.2025.

8. All these facts have been recorded only to show that from the first letter dated 25.06.2024 to the second letter dated 21.01.2025, what efforts was/were taken by the learned Trial Court, the same has not been clarified and only cut/paste option has been used to send the report.

9. It is unfortunate that in a case where the allegation is of killing a lady as also her cremation without information to the informant side, charge has been framed on 19.07.2023, the accused is in custody since January 2023, the Trial Court could not even initiate the trial.

10. From the twin letters dated 25.06.2024 and 21.01.2025, it is also not clear whether the Superintendent of Police, Bhojpur at Ara has been apprised of the status quo or about the non-appearance of the witnesses or not.

11. Learned counsel for the petitioner submits that he



has remained in custody for two years, has four children at home to take care of, given a chance, without fail, he shall be diligently appearing before the Trial Court failing which the prosecution side can take steps for cancellation of bail bonds.

12. Learned APP on the other hand opposes the prayer for bail submitting that he being the husband, is not entitled for bail. However he concede that the two reports do not inspire confidence about the commencement of trial.

13. The aforesaid facts take the Court to only one conclusion. The petitioner deserve bail as the delay has not been due to any fault on his part, has four children and an undertaking has been given by him that he shall be diligently appearing in trial without fail. It is made clear that failure to do so, the prosecution side shall be free to take immediate steps for cancellation of his bail bonds, whenever the trial commences.

14. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-III, Bhojpur at Ara in connection with S.Tr. No. 327 of 2023 arising out of Agion P.S. Case No. 4 of 2023 subject to the following conditions:

(i) one of the bailor should be the family



member/relative of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial Court failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every fortnight for next six months to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of bail bonds.

15. Let a copy of the order be sent to the learned Principal District and Sessions Judge, Bhojpur at Ara for his perusal and needful.

(Rajiv Roy, J)

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