

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56120 of 2024

Arising Out of PS. Case No.-231 Year-2019 Thana- BELA District- Sitamarhi

Chandan Kumar S/o Pavitra Mahto @ Ram Pavitra Mahto R/o vill -
Bahuarwa (Barharwa), P.S. - Bela, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate
For the Opposite Party/s : Mr. Bishweshwar Ram, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

7 10-01-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Sessions Trial no.218 of 2021 (arising out of Bela P.S. Case no.231 of 2019) registered under sections 302, 120B, 201 and 34 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the petitioner was having an illicit affair with his *bhabhi*. It is further stated that he tortured the informant's daughter who was married to him and she was ultimately killed with a *chhura*.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 12.1.2023 passed in Cr. Misc. no.24257 of 2022. In spite of the petitioner having remained in custody for more than five years, as per instructions received only one witness has been



examined on behalf of the prosecution and there is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

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

6. A report was called for from the learned trial Court. As per report received contained in letter dated 16.10.2024, out of the ten chargesheet witnesses, one witness has been examined on behalf of the prosecution.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the slow progress in the trial in the learned trial Court where only one out of the ten chargesheet witnesses has been examined on behalf of the prosecution and specially the petitioner having remained in custody for more than 5 years since 4.11.2019, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.218 of 2021 (arising out of Bela P.S. Case no.231 of 2019) 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 12th Additional Sessions Judge, Sitamarhi on the following conditions:



(i) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(ii) In case of the petitioner’s absence on any date for reasons not to the satisfaction of the learned trial court, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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