

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79012 of 2024

Arising Out of PS. Case No.-380 Year-2021 Thana- UDAKISHUNGANJ District-
Madhepura

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Mukesh Chaurashiya Son of Late Chhotelal Chaurashiya Resident of Village-
Sheikhpur Chaman, Ward No 15, PS- Udakishunganj, District- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 20-06-2025 Heard the parties.

2. The petitioner is in judicial custody in connection with S.T. No. 264 of 2022 arising out of Udakishunganj for the offence punishable under sections 304(B) and 201/34 of Indian Penal Code.

3. As per the prosecution story, the petitioner is alleged to have killed his 20 years old wife for want of dowry which led to the FIR.

4. Earlier the bail application of the petitioner was rejected in Cr. Misc. No. 36939 of 2023 on 05.09.2023 with a direction to the Trial Court to expedite and conclude it in one year. Upon filing of the second petition, report was called for and the report dated 18.02.2025 record as under.

5. Learned counsel for the petitioner submits that



despite the clear direction of the Court, neither the trial has been concluded nor there is any chance of getting it concluded in near future. He has remained in custody since 17.12.2021 hence completed more than three and half years, if granted relief, he shall be diligently appearing in trial on each and every date failing which the trial court can take immediate steps for the cancellation of his bail bond. He shall further be appearing before the concerned police station every fortnight till the conclusion of the trial if granted relief.

6. Mr. Jitendra Kumar Singh, Learned APP opposes the prayer submitting that the allegation is against the petitioner of having killed the young lady for want of dowry. Allegation is there, the petitioner shall be facing the music, the trial is on, the fact remains that he has remained in custody since 17.12.2021, an undertaking has been given that he shall be diligently appearing in trial as also before the concerned police station and failure to do so, the trial court shall take immediate steps for cancellation of his bail bond. From the report, it is clear that neither the trial has been concluded nor it is likely to be concluded in near future. In that background, this Court is inclined to extend him the privilege of bail with conditions.



7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge II, Madhepura, in connection with S.T. No. 264 of 2022 arising out of Udakishunganj P.S. Case No. 380 of 2021, 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/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and 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 till the conclusion of the trial 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 his bail bonds.

(Rajiv Roy, J)

Raj Ranjan/-

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