

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.766 of 2020

Arising Out of PS. Case No.-144 Year-2016 Thana- KOILWAR District- Bhojpur

SHANKAR PRASAD @ SHANKAR PRASAD SINGH Resident of Village -
Milki Mohalla Chowk, P.S.- Ara Town, District - Bhojpur, Ara.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rajiva Ranjan

For the Opposite Party/s : Mr.Akshay Lal Pandit

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 15-06-2020 Heard learned Counsel for the petitioner and learned
Counsel for the State, through video conferencing.

The petitioner seeks regular bail in connection with
Sessions Trial No. 309 of 2017, arising out of Koilwar Police
Station Case No. 144 of 2016, registered for the offences
punishable under Sections 302/201/34 of the Indian Penal Code.

The allegation against the petitioner is that on
02.06.2016, the petitioner called the brother of the informant
from his house and the petitioner and the deceased were seen in
the market and when the maternal uncle of the informant asked
the deceased, he disclosed that he was going to the house of his
friend, Akash Singh, along with the petitioner. On the next date,
i.e. on 03.06.2016, the dead body of the deceased was found in a



bush.

Learned Counsel for the petitioner, referring to Annexure 1, submits that the petitioner was earlier granted regular bail by this Court by order dated 10.07.2017. He further submits that due to unavoidable circumstances and communication gap, the petitioner could not appear on the date fixed before the learned Court below on 07.02.2019 and the bail bond of the petitioner was cancelled and on 14.11.2019, the petitioner surrendered before the Court below and since then, he is in custody. He submits that it is misuse of privilege of bail and this Court may consider to grant bail to the petitioner.

On the last occasion, a report was called for from the learned Court below regarding the stage of the trial and in pursuance thereof, a report has been submitted on 03.06.2020, by learned 11th Additional Sessions Judge, Bhojpur, at Ara, vide letter no. 490, stating therein that the case is pending for framing of charge.

After having heard learned Counsel for the parties and taking into consideration the fact that this is a case of misuse of privilege of bail by the petitioner, I am inclined to grant regular bail to the petitioner subject to framing of charge against the petitioner.



Accordingly, let the petitioner, above named, be released on bail, **after framing of charge**, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XI, Bhojpur, at Ara, in connection with Sessions Trial No. 309 of 2017, arising out of Koilwar Police Station Case No. 144 of 2016.

It is expected that the learned Trial Court will take all necessary steps for framing of charge at the earliest.

It is made clear that at the time of furnishing bail bonds, all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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