

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14165 of 2021

Arising Out of PS. Case No.-1036 Year-2018 Thana- PHULWARISHARIF District- Patna

Bhola Singh @ Dharamveer Singh @ Dharmvir Singh Son of Shri Hriday Singh Resident of Mohalla - Harnichak Mohanitola, Mishra Niwas Gali, P.S. - Phulwarisharif, District - Patna. Permanent residing at Dahpar Kharjama, P.S. - Noorsarai, Dist. - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Vaishnavi Singh, Adv.

For the Opposite Party/s : Dr. Kumar Uday Pratap, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 24-08-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has renewed his prayer for bail in a case registered under section 302 of the Indian Penal Code.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner who is the husband of the deceased was rejected vide order dated 23.7.2019 passed in Cr. Misc. no.35764 of 2019 and order dated 6.2.2020 passed in Cr. Misc. no.56707 of 2019. While rejecting the prayer for bail vide order dated 6.2.2020 this Court had directed the trial to be concluded expeditiously and preferably within a period of 9 months. It is submitted that inspite of the petitioner having remained in custody since 24.12.2018, it is



only on 27.7.2021 that charge has been framed and not a single prosecution witness has been examined. There is no chance of the trial concluding in the near future. The petitioner undertakes to abide by the conditions laid by this Court for his release on bail.

A report was called for with respect to the stage of trial from the learned Court below. As per the report contained in letter dated 28.7.2021 of the learned Additional District and Sessions Judge XXIV, Patna, no witness has been examined on behalf of the prosecution.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, the observation given in the order dated 6.2.2020 together with the petitioner having remained in custody since 24.12.2018, this Court directs the petitioner to be enlarged on bail in connection with Sessions Case no.1149 of 2019 (arising out of Phulwarisharif P.S. Case no.1036 of 2018) 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 District and Sessions Judge XXIV, Patna.

In view of the case being pending for examination of



witness on behalf of the prosecution it is directed that the petitioner shall remain physically present in Court on each date of trial and shall cooperate in the trial. In case the learned trial Court is of the opinion that the trial is being delayed due to non cooperation on the part of the petitioner, 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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