

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12520 of 2021

Arising Out of PS. Case No.-462 Year-2019 Thana- KORHA District- Katihar

Miththu Byadha @ Kajal @ Mitthu Byadha @ Mithu Byadha Son of Jayram
Byadha Resident of Basgara, Police Station - Korha, District - Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 02-09-2021 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred the instant application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per allegations in the F.I.R., it is state that the petitioner came and took the informant's sister with him whereafter she did not return. The next day her dead body was discovered.

It is submitted by learned counsel for the petitioner that the allegations as levelled in the F.I.R. are false and concocted. He has been falsely implicated in the case. There is no eye witness to the occurrence. The petitioner who is an HIV positive patient is in custody since 11.11.2019. He has no



criminal antecedent and undertakes to abide by the conditions which may be laid by this Court for his release on bail.

The application for bail is opposed by learned APP who submits that the trial in the case has commenced.

A report called for from the learned trial Court with respect to the stage of trial. As per the report received contained in letter dated 12.8.2021 of the 1st Additional District and Sessions Judge-cum-Special Judge, Katihar, two out of the eight witnesses have been examined on behalf of the prosecution on 6.3.2021 and 20.3.2021. Thereafter no witness could be examined due to Covid-19 pandemic.

Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the case, this Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.182 of 2020 (arising out of Korha P.S. Case no.462 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 1st Additional District and Sessions Judge, Katihar on the following conditions:

- (1) One of the bailers of the petitioner shall be a close relative.



(2) Subject to the Covid-19 protocol fixed by the learned trial Court, the petitioner shall remain physically present in Court on each date of the trial and in case of 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.

(Partha Sarthy, J)

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