

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15684 of 2021**

Arising Out of PS. Case No.-183 Year-2017 Thana- AURANGABAD TOWN District-
Aurangabad

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Krishna Bhuiyan Son of Late Budhan Bhuiyan Resident of Village- Dani
Bigha School, P.S.- Aurangabad Town, District- Aurangabad (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms. Leelawati Kumari, Adv.
For the Opposite Party/s : Mr. Arun Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 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 section 302 of the
Indian Penal Code and section 4 of the Prevention of Witch
(Daain) Practices Act, 1999.

As per prosecution case, the petitioner is stated to
have assaulted the son of the informant leading to his death.

It is submitted by learned counsel for the petitioner
that the earlier application for bail of the petitioner was rejected
vide order dated 17.11.2017 passed in Cr.Misc.no.50416 of
2017. Of the four witnesses examined on behalf of the
prosecution, it is submitted that from perusal of the deposition



of the prosecution witnesses in course of the trial, which has been brought on record, it would transpire that all the four have been declared hostile. Further the informant has died. It is submitted that the last of the prosecution witnesses was examined on 9.10.2018 and no witness has been examined since last more than 2 years 10 months. The petitioner is in custody since 3.6.2017 and because of the Covid-19 pandemic there is no chance of the trial concluding in the near future.

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

A report was called for from the learned trial Court. As per the report received contained in letter dated 10.8.2021 of the Additional District and Sessions Judge-VIII, Sessions Court, Aurangabad, the doctor, remains to be examined, however due to Covid-19 pandemic, the Court is going on in virtual mode.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner together with the petitioner having remained in custody for 4 years 3 months, this Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.576 of 2017/91 of 2019 (arising out of Aurangabad town P.S. Case no.183 of 2017) 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-VIII, Aurangabad.

In view of the trial of the case having proceeded, it is directed that the petitioner shall remain physically present before the learned trial Court on each date of the trial subject to the Covid-19 protocol fixed by the learned trial Court.

(Partha Sarthy, J)

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