

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16407 of 2021

Arising Out of PS. Case No.-22 Year-2018 Thana- SIKRAUL District- Buxar

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BINOD KUMAR SINGH @ MAGANI SINGH @ MAGANI @ BINOD
SINGH Son of Mudrika Singh @ Madari Singh @ Mudrika Yadav Resident
of Village - Bikram English, P.S.- Sikraul, Distt.- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Satyapal Singh, Adv

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE S. KUMAR
ORAL ORDER

2 28-07-2021 Heard learned counsel for the parties.

Petitioner seeks bail in a case registered for the offence punishable under Sections 341, 323, 302/34 of the Indian Penal Code.

The allegation is regarding the accused persons including the petitioner having assaulted the informant of this case resulting in his death subsequently.

Learned counsel for the petitioner submits that vide order dated 27.09.2018 passed in Criminal Miscellaneous No. 49228 of 2018, this Court directed the court below to expedite the trial of the petitioner and conclude the same within a period of one year and if trial is not concluded within one year petitioner would be at liberty to renew his prayer for bail but the

trial of the petitioner was not concluded in the aforementioned period and petitioner again renewed his prayer for bail in Criminal Miscellaneous No. 75154 of 2019 in which vide order dated 29.01.2020, this Court again directed the court below to expedite the trial of the petitioner and conclude the same within a period of six months and if trial is not concluded within six months, petitioner would be at liberty to renew his prayer for bail and hence this bail application has been filed.

Learned counsel for the petitioner submits that he is innocent and has been falsely implicated in this case due to land dispute. Both parties are agnates and there is case and counter case. Similarly situated co-accused persons has been granted bail by a co-ordinate bench of this Court vide order dated 23.07.2018 passed in Criminal Miscellaneous No. 33984 of 2018. Petitioner has got no criminal antecedent and is in custody since 17.04.2018.

Considering the aforesaid facts and circumstances of the case and period of custody, let the petitioner named above be released on bail upon furnishing bail bond of Rs. 20,000/- with two sureties of the like amount each to the satisfaction of learned court below where the case is pending, in connection with **Sikraul P.S. Case No. 22 of 2018**, with following

conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the Court and his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the court below.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(S. Kumar, J)

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