

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.23024 of 2021

Arising Out of PS. Case No.-353 Year-2013 Thana- CIVIL LINE District- Gaya

RAUSHAN KUMAR, Son of Bhim Singh, Resident of Village- Lakhpura,
P.S.- Civil Line, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Adv.

For the Opposite Party/s : Mr.Humayou Ahmad Khan, APP

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

2 09-08-2021 Heard learned counsel for the petitioner and learned
APP for the State through virtual Court proceedings.

Learned counsel for the petitioner undertakes to
remove the defects as pointed out by the office within four
weeks of normal functioning of the court, failing which the
office is directed to place the matter before the Bench.

The petitioner seeks bail in a case registered for the
offence punishable under Sections 302 and 34 of the Indian
Penal Code.

Prosecution case, in brief, is that on 08.08.2013
informant saw petitioner in his roof having weapon in his hand,
on seeing him he tried to flee away with two another persons. At
the same time, he heard his wife was groaning when he went
there saw that his wife was seriously injured and stained with
blood. She was being taken to the hospital for medical treatment



but she died on the way.

Learned counsel for the petitioner submits that earlier bail application was rejected in Cr. Misc. No.4980/2017, but the same was dismissed by the order dated 23.06.2017 with a liberty to renew his prayer for bail if the trial is not concluded within a period of six months. The trial is not concluded till date. In the impugned order mentioned that the trial is not concluded due to Covid-19. The petitioner is languishing in judicial custody since 14.08.2013. The petitioner has got no criminal antecedent which is mentioned in para 3 of the bail petition.

Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

Considering the custody of the petitioner, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees twenty five thousand) with two sureties of the like amount each in connection with Sessions Trial No. 48 of 2019/76 of 2014 arising out of Civil Line P.S. Case No. 353/2013 to the satisfaction of learned Court below where the case is pending/ successor Court; subject to the following conditions:

(1) that one of the bailors will be a close relative of the petitioner, who will be given an affidavit giving



genealogy as to how he is related with the petitioner. He will also undertake to inform the Court if there is any change in the address of the petitioner.

(2) that the bailor shall also state on affidavit that he will inform the Court concerned if the petitioner is implicated in any other case of similar nature after his release in the present case and thereafter the Court below will be at liberty to initiate proceeding for cancellation of bail on the ground of misuse.

(3) that the petitioner will be well represented on each and every date fixed in the case and if he fails to do so on two consecutive dates his bail bond will be liable to be cancelled.

(4) that the petitioner shall co-operate with the investigation, if not already concluded and make himself available as and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(Anjani Kumar Sharan, J)

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