

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38983 of 2021

Arising Out of PS. Case No.-75 Year-2006 Thana- PANCHRUKHI District- Siwan

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EJAMUL HAQUE @ AINAMUL HAQUE @ FALLU @ ENAMUL
HAQUE Son of Ajijul Haque @ Azizul Haque Resident of Village- Chap
Dakhin Tola, P.S.- Pachrukhi, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Prashant Kumar

For the Opposite Party/s : Mr. Akshay Lal Pandit

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 04-08-2021 Heard Mr. Prashant Kumar, learned counsel for the

petitioner and Mr. Akshay Lal Pandit, learned counsel

appearing for the State through video conferencing.

Petitioner renews his prayer for bail in connection
with Pachrukhi P.S. Case No. 75 of 2006 registered under
Sections 302 / 34 of the I.P.C. and Section 27 of the Arms Act.

The allegation as per the First Information Report is
that in the night of 08/09.07.2006 the informant was sleeping on
his roof and his elder brother – Suresh Mahto along with wife
and son- Mritynjay was sleeping outside near the door of
“Sahan” land and at about 12:15 in the night the informant
heard the noise of fire and immediately thereafter he woke up
and saw that his brother was injured and the petitioner along
with other accused persons were standing there with their
country made pistols in their hands. The brother of the
informant died subsequently during the treatment.

Learned counsel for the petitioner submits that after



rejection of the first regular bail application on 24.11.2020 the mother as well as wife of the deceased were examined as witnesses in the trial, who did not support the prosecution story and were declared hostile by prosecution. Learned counsel further submits that P.W. 1 & P.W. 4 who are the co-villagers have also not supported the prosecution story and were declared hostile by the prosecution. Learned counsel submits that in her deposition the mother (P.W. 2) and wife (P.W. 3) have stated that informant and other witnesses would not come for deposition inasmuch as Ramesh Chauhan (i.e. the informant) is residing in foreign country. Learned counsel thus submits that there is no likelihood that the trial will be concluded in near future due to absence of witnesses and COVID 19 Pandemic.

Having regard to the submissions made by the parties and taking into consideration the materials available on record , the fact that petitioner is in custody since 18.2.2020, the trial is not likely to be concluded in near future due to COVID 19 Pandemic, four of the witnesses examined have not supported the prosecution story and this is second attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bond of Rs. 25,000/- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned ADJ -VIII, Siwan in connection with Pachrukhi P.S. Case No. 75 of 2006 on the following conditions:-

(i) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(ii) that the petitioner shall not leave the country without prior permission of the trial court.

It is made clear that at the time of furnishing bail bond all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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