

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.44826 of 2021

Arising Out of PS. Case No.-258 Year-2018 Thana- BAKHTIARPUR District- Saharsa

MD. SURAJ @ WALIAZAM S/o LATE MD. MANNAN R/o VILLAGE-SITANABAD SOUTH WARD NO.08, P.S-BAKHTIARPUR, DISTRICT-SAHARSA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

.. ... Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rashid Izhar

For the Opposite Party/s : Mrs. Madhuri Lata

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

3 01-09-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302 and some other ancillary Sections of the Indian Penal Code.

Prayer for bail was earlier rejected twice by this court. On 02.11.2020 when prayer for bail of the petitioner was lastly rejected, direction was given to the trial court to expedite the trial. It is submitted that during the course of trial all the prosecution material witnesses have been examined but none of them stated that petitioner assaulted the deceased and even the injured witness PW-4 has stated that he did not see who assaulted the deceased and the case is pending for examination of doctor



who conducted post mortem of the deceased. Petitioner is in custody since 26.09.2018.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the facts of the case, the period of custody of the petitioner and progress of the trial, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of Additional Sessions Judge- III- Saharsa in connection with Bakhtiarpur PS case No. 258/2018 on the following conditions:-

(1) 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 on his/ her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

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

(Prabhat Kumar Singh, J)

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