

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53202 of 2021

Arising Out of PS. Case No.-66 Year-2020 Thana- DHANAHA District- West Champaran

GOVIND KUSHWAHA Son of Madan Kushwaha Resident of Village- Sahaj
Tola Barwa, P.S.- Dhanaha, District- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Baxi S. R. P. Sinha, Sr. Adv Mr.Kumar Ranjit Ranjan
For the Opposite Party/s	:	Mr.Zainul Abedin
For the informant	:	Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 08-12-2021 Heard learned Senior Counsel for the petitioner,

learned Counsel for the informant and learned Additional Public

Prosecutor for the State.

The petitioner seeks regular bail in connection with

Dhanaha Police Station Case No. 66 of 2020, registered for the

offences punishable under Sections 341/323/324/307/302/509/

120-B/34 of the Indian Penal Code.

This is the second attempt on behalf of the petitioner

for grant of regular bail. Earlier, the prayer for regular bail of the

petitioner was rejected by this Court, vide order, dated

30.02.2021, passed in Criminal Misc. No. 35456 of 2020, giving

liberty to the petitioner to renew his prayer for bail after six

months from the date of the order, if the trial does not show any



progress.

The allegation, as per the First Information Report, is that the petitioner, along with other co-accused persons, ten in number, assaulted the informant and his son, due to which, the son of the informant died.

Learned Senior Counsel for the petitioner submits that the petitioner has renewed his prayer for bail after six months, as observed by this Court in the order dated 30.02.2021. He further submits that the trial has not commenced as yet and even charges have not been framed by the learned Court below. He further submits that the petitioner is in custody since 22.03.2020.

On the other hand, learned Counsel for the informant submits that the case is fixed for framing of charges.

This Court, vide order, dated 27.10.2021, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 2nd Additional Sessions Judge, West Champaran, at Bagaha, and from perusal of the same, it would be evident that the case is fixed for framing of charge.

Regards being had to the submissions advanced on behalf of the parties and taking into consideration the materials



available on record and the fact that the petitioner is in custody since 22.03.2020, the case is fixed for framing of charge and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Chief Judicial Magistrate, West Champaran, at Bagaha, in connection with Dhanaha Police Station Case No. 66 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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