

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4140 of 2021

Arising Out of PS. Case No.-49 Year-2015 Thana- BARURAJ District- Muzaffarpur

Manoj Singh Son of Ram Babu Singh Resident of Village-Chhipuliya, P.S.-
Baruraj, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kumar

For the Opposite Party/s : Mr.A.P.P.

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

2. 16-03-2021 This is the 3rd attempt for grant of bail on behalf of petitioner in S. Tr. No. 51/2019, arising out of Baruraj P.S. Case No. 49/2015, registered for the offence under Sections 304(B), 328, 498(A), 34 of the Indian Penal Code and Sections 3/4 of Dowry Prohibition Act.

On last occasion i.e. on 18.12.2019 in Cr.Misc. No. 71028 of 2019 (Annexure 1/1), while rejecting the prayer for bail, following observation was made by the coordinate Bench:

“... once substantial progress is made in the trial and informant is examined, the petitioner will be at liberty to renew his prayer for bail.”

It is submitted on behalf of petitioner that informant namely Baby Devi has already been examined by the trial court on 18.12.2019 (Annexure – 3) and has not supported the case in her deposition. It is further submitted that one more chargesheeted witness namely Vijay Singh has also been examined on 14.02.2020, who has also not supported the



prosecution case. Petitioner is in custody since 26.05.2018.

Considering the aforesaid facts and circumstances as well as the fact that informant and one more chargesheeted witnesses have already been examined and they have not supported the case, the bail application of petitioner is allowed. Let the above named petitioner be enlarged on bail on furnishing bail-bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 14th Addl. Sessions Judge, Muzaffarpur in connection with S.Tr.No. 51/2019, arising out of Baruraj P.S. Case No. 49/2015, on the following conditions:

“(1) Petitioner shall cooperate 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 absence on two consecutive dates without sufficient reason, his 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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