

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69085 of 2021

Arising Out of PS. Case No.-275 Year-2019 Thana- MUNGER MUFFASIL District- Munger

MD ARIF @ ASHRAF @ VIKAS Son of Md. Amanullah Resident of
Village- Sujawalpur, P.S.- Muffasil, District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kumar Kamal Nayan

For the Opposite Party/s : Mr.Nitya Nand Tiwary

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

2 15-12-2021 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Mufassil Police Station Case No. 275 of 2019, registered for the
offences punishable under Sections 302/34 of the Indian Penal
Code and Section 27 of the Arms Act.

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
12.11.2020, passed in Criminal Misc. No. 24162 of 2020, giving
liberty to the petitioner to renew his prayer for bail after one
year 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 daughter of the informant, on receiving a phone call, went out of the house saying that she was going to the house of Aarif near Sujabalpur Masjid to bring some papers and at about 11 P.M., the informant got the information that Aarif and her daughter have been killed and dead bodies are lying in the mango orchard.

Referring to paragraph 16 of this application, learned Counsel for the petitioner submits that out of twelve chargesheeted witnesses, only five witness has been examined and since 06.03.2021, no witness has been examined and, as such, the trial is not likely to be concluded in near future. He further submits that the petitioner is in custody since 22.09.2019 and similarly situated co-accused person, namely, Md. Ejaj, has been granted bail by co-ordinate Bench of this Court, vide order, dated 23.02.2021, passed in Criminal Misc. No. 17276 of 2020.

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 22.09.2019, the trial is not likely to be concluded in near future, similarly situated co-accused has been granted bail by this Court and this is second attempt for bail on behalf of the petitioner, 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. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Munger, in connection with Mufassil Police Station Case No. 275 of 2019.

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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