

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 63845 of 2019**

Arising Out of PS. Case No.-338 Year-2017 Thana- BARHARA District- Bhojpur

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KRISHNA KUMAR @ KRISHNA PRASAD Son of Laxman Prasad @
Laxman Tato @ Lakshman Tato Resident of Village- Kharwaniya, P.S.-
Sikraul, District- Buxar.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr Jitendra Narain Sinha, Advocate
For the Opposite Party/s : Mr Shyameshwar Dayal, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 22-01-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in Barhara Police Station (for
brevity, *PS*) Case No 338 of 2017 instituted for the offence
punishable under Section 396 of Indian Penal Code.

The prosecution case alleges that co-accused Arman
Ansari has fired upon the victim Saurabh. Petitioner's
implication is on the ground that during investigation, it has
surfaced that his mobile phone number was used to facilitate the
crime. Twice, the petitioner's prayer for bail has been rejected
earlier by this Court. Firstly, the same was rejected on
03.05.2018 in Cr Misc No 17528 of 2018 and, thereafter, on
02.01.2019, in Cr Misc No 72527 of 2018. It is submitted by



the petitioner's counsel that the petitioner is now in custody since 18.11.2017, i e, more than three years and that there is no significant progress in the trial whatsoever.

Learned APP for the State has opposed the prayer for bail.

Considering the rival submissions, prayer for bail is allowed. Let the petitioner, above named, be released on bail on his furnishing bonds of Rs 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of Chief Judicial Magistrate, Bhojpur at Ara in Barhara PS Case No 338 of 2017 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

Learned counsel for the petitioner is expected to honour his undertaking given in the instant proceedings today for depositing requisite Court fee and removing the defect (s), as



pointed out, when called upon to do so.

(Madhuresh Prasad, J)

M.E.H./-

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