

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3541 of 2022

Arising Out of PS. Case No.-134 Year-2019 Thana- RAFIGANJ District- Aurangabad

SONU TIWARI Son of Suraj Tiwari Resident of Village - Meena Kudha, P.S.- Paliganj, Distt.- Pata, at Present address - C/o Keshaw Pathak, Village - and P.S.- Kasma, Distt.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Singh

For the Opposite Party/s : Mr.Pranav Kumar

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 09-03-2022 Heard Mr. Ashok Kumar Singh, learned counsel for the petitioner and Mr. Pranav Kumar, learned counsel for the State.

Petitioner renews his prayer for bail in connection with S. Tr. No. 134 / 20 / 21 / 20 arising out of Rafiganj P.S. Case No. 134 of 2019 registered for the offence under Section 302 / 201 / 34 of the I.P.C. inasmuch as earlier bail application of the petitioner was rejected by this Court by order dated 04 / 11 / 2020 passed in Cr. Misc. No. 23045 of 2020 granting liberty to the petitioner to renew his prayer for bail after one year if the trial does not show any progress.

Learned counsel for the petitioner submits that since the date of last rejection trial has not registered any progress and



none of the witnesses has been examined as yet. He further submits that name of the petitioner has transpired on the basis of confessional statement of the co-accused / Guddu @ Guddu Gupta @ Guddu Kumar Gupta and Pintu Kumar, who have been granted bail by different Co-ordinate Benches of this Court. Petitioner is in custody since 17 / 01 / 2020.

This court vide its order dated 02 / 02 / 2022 has called for a report regarding the present stage of the trial and in pursuance thereof report has been furnished by learned Additional District and Sessions Judge- II, Aurangabad, Bihar vide letter no. 27 / 22 dated 17-02 -2022 and from perusal of the same it appears that out of four charge- sheet independent witnesses and four official witnesses, none of the witnesses has been examined by the prosecution.

Regard being had to the submissions made by the parties, taking into consideration the fact that petitioner has remained in custody since 17 / 01 / 2020, trial has not registered any progress and since the date of last rejection none of the witnesses has been examined, the co-accused persons have been granted bail by this Court, there is no likelihood that petitioner will abscond or tamper with the evidence if released on bail and this is 2nd attempt for grant of bail, as such, I am inclined to



grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge IX, Aurangabad in connection with S. Tr. No. 134 / 20 / 21 / 20 arising out of Rafiganj P.S. Case No. 134 of 2019 on the following condition:-

(a) that the petitioner shall remain present on each and every date during the course of trial and in case of default on two consecutive dates on the part of the petitioner, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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