

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8777 of 2022

Arising Out of PS. Case No.-21 Year-2011 Thana- SAMHO District- Begusarai

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Tuntun Chaudhari @ Chhote Sukla S/O Late Dhanik Chaudhari Resident Of
Village- Akbarpur Naya Tola Dhanha, P.S.- Samho, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Binod Kumar, Advocate

For the Opposite Party/s : Mr. Md. Ataur Rahman, A.P.P

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CORAM: HONOURABLE MR. JUSTICE KHATIM REZA
ORAL ORDER

4 18-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect (s), as pointed out by the office, be
removed within a period of four weeks from today.

The petitioner seeks bail in connection with a case
registered for the offences punishable under Sections 302, 120B
and 34 of the Indian Penal Code and Section 27 of the Arms
Act.

Allegation against the petitioner is of firing causing
death of the deceased.

Learned counsel for the petitioner submits that the
petitioner is innocent and has committed no offence. He further
submits that earlier the petitioner's bail application was rejected
by a Co-ordinate Bench of this Court vide order dated



14.08.2019 passed in Criminal Miscellaneous No. 32289 of 2019 in which, it has been observed that:-

“I am not inclined to grant bail to the petitioner, however, the learned trial court is directed to expedite the trial and try to conduct it on regular basis so that it may be concluded within a period of six months from the date of receipt of the order.”

Further, learned counsel for the petitioner submits that vide order dated 13.07.2022, a report was called from the concerned lower court and after perusing the report, it has been mentioned that the original case record in Sessions Trial No. 461 of 2012 was disposed of by the court of learned Additional Sessions Judge-III, Begusarai and the case record was sent to the Hon’ble High Court, Patna by A.D.J.-III, Begusarai in Criminal Appeal (DB) No. 418/14 and a request letter has been earlier issued by the learned A.D.J-2 to High Court, Patna to return the L.C.R. of Sessions trial No. 461/2012. The petitioner is in custody since 18.09.2014, charge-sheet has been submitted in the case and has antecedent of four cases.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the facts and circumstances of this case, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) only with



two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-IV, Begusarai in connection with Sessions trial No. 459/2016 Samho P.S. Case No. 21 of 2011, subject to the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed 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) One of the bailors will be his own blood relation, preferably father, mother, brother, sister and or his wife.

(3) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(4) 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.

(Khatim Reza, J)

Gaurav Kumar/-

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