

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19761 of 2022**

Arising Out of PS. Case No.-79 Year-2019 Thana- SIKARHATTA District- Bhojpur

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HARENDRA KUMAR Son of Kameshwar Raj Bansi @ Kameshwar Ram
Resident of Village - Panwar, P.S. Sikarhatta, District - Bhojpur at Ara.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sumeet Kumar Singh, Adv.

For the Opposite Party/s : Mr. Pawan Kumar Chaurasia, APP

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**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER**

3 29-06-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case registered under sections 304B, 120B, 201 and 34 of the Indian Penal Code.

The petitioner is the husband of the deceased.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide orders dated 28.5.2020 and 1.9.2021 (Annexure-1 series). It is further submitted that inspite of the petitioner cooperating in the trial, the trial has still not concluded. Five more chargesheet witnesses still remain to be examined and there is no chance of the trial concluding in the near future. The petitioner has remained in custody since 6.7.2019.

Heard learned A.P.P. for the State.



A report was called for from the learned trial Court. As per the report received contained in letter dated 10.5.2022 altogether six witnesses have been examined but five more witnesses as per the chargesheet remain to be examined and which include the informant and Investigating Officer. It further transpires from the letter/report that inspite of the Court writing to the Superintendent of Police, Rohtas vide different letters including letter dated 21.2.2022, 4.4.2022 and also letter dated 21.4.2022 to the District General of Prosecution, the five chargesheet witnesses including the informant have not been examined.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner having remained in custody since 6.7.2019 and the contents of the letter of the learned trial Court according to which inspite of the letters having been written on 21.2.2022, 4.4.2022 and 21.4.2022 five chargesheet witnesses including the informant and the Investigating Officer of the case still remain to be examined, the Court directs the petitioner to be enlarged on bail in connection with Sikarhatta P.S. Case no. 79 of 2019 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of



the learned S.D.J.M., District-Bhojpur at Ara.

It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to noncooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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