

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 28704 of 2022**

Arising Out of PS. Case No.-126 Year-2019 Thana- DANDARI District- Begusarai

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KRISHNA KUMAR SHARMA, S/O CHHOTAN SHARMA R/O VILLAGE-
TETTRI, P.S.- DANDARI, DISTRICT- BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr Sudhanshu Kumar Lal, Mr Pritish Kumar Lal, Advocates
For the Opposite Party/s	:	Mr Shyam Kumar Singh, APP

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CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

4 **17-08-2022** Heard learned counsel for the petitioner and learned
Additional Public Prosecutor (for brevity, APP) appearing for
the State of Bihar.

The petitioner seeks bail in Sessions Trial No 30 of
2021 arising out of Dandari Police Station (for brevity, *PS*) Case
No 126 of 2019 registered for the offence punishable under
Sections 302/34 of Indian Penal Code.

Petitioner's prayer for bail was earlier rejected by this
Court by order dated 08.09.2021 passed in Cr Misc No 13706 of
2021 (Annexure 1).

Petitioner's prayer for bail is being considered
keeping in the background of facts that the victim is his cousin
and the informant is his cousin's wife. As per submission of the



petitioner's counsel, during investigation, the person at whose Darwaza the alleged occurrence had taken place, has not supported the case nor any independent witness has supported the occurrence. Petitioner's earlier prayer for bail was rejected by this Court in Cr Misc No 13706 of 2021. Submission is that there is also no progress in the trial. The report dated 20.07.2022, received from the trial Court, supports the submission of the petitioner's counsel that there is no progress at the trial since the report records that not even a single witness has been examined. Petitioner has now remained in custody for more than 2 and half years since his arrest on 16.11.2019. He bears clean past.

Learned APP has opposed the prayer for bail.

Considering the rival submissions, period of custody as also stage of the trial, this Court, for the purposes of grant of bail, is, thus, inclined to accept the submissions advanced by the petitioner's counsel. 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 Additional Sessions Judge V, Begusarai in Sessions Trial No 30 of 2021 arising out of Dandari PS Case No 126 of 2019 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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