

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37613 of 2022

Arising Out of PS. Case No.-207 Year-2019 Thana- RAJPUR District- Buxar

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Brij Nandan Lal, Son of Late Suraj Lal, R/o Village-Rajpur, P.S.-Rajpur,
District-Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mohit Shriwastava, Advocate.

For the Opposite Party/s : Mr.Bharat Lal, APP.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH

ORAL ORDER

4 07-12-2022 Heard Mr. Mohit Shriwastava, learned counsel

appearing on behalf of the petitioner and Mr. Bharat Lal, learned

A.P.P. for the State.

The petitioner seeks regular bail in connection with
Rajpur P.S. Case No. 207 of 2019 for the offence punishable
under Sections 147, 149, 341, 323, 324, 307 and 504 of the
Indian Penal Code.

Earlier prayer for bail of the petitioner was rejected
vide order dated 28.01.2022 passed in Cr. Misc. No. 20927 of
2021.

A report was called for by this Court vide order dated
23.11.2022 regarding stage of the trial in connection with
Rajpur P.S. Case No. 207 of 2019 / G.R. No. 2341 of 2019 from
the court of learned Additional District and Sessions Judge-II,
Buxar and in compliance of the said order, a report has been
submitted contained in Letter No. 237/2022 dated 01.12.2022



by the learned Addl. District and Sessions Judge-I-cum Special Judge, SC/ST Act, Buxar.

On perusal of the aforesaid report, it appears that out of nine prosecution witnesses, only three have been examined and rest witnesses are yet to be examined in this case. The F.I.R. was lodged on 10.09.2019 and almost two years have passed and it appears that the prosecution is not cooperating in the trial. Summon to witnesses have been issued on 24.05.2022 and thereafter it appears that till the date of submission of the aforesaid report i.e. for last more than six months, none of the prosecution witnesses have been examined.

Learned counsel appearing on behalf of the petitioner submits that the petitioner is innocent and he has falsely been implicated in this case. He further submits that the petitioner having clean antecedent is in custody since 05.01.2021 and one of the co-accused namely Shambhu Kumar @ Shambhu Srivastava has already been released on bail by this Court against whom there is also allegation of assault upon Krishna Bihari Lal vide order dated 28.01.2022 passed in Cr. Misc. No. 20927 of 2021. Hence, the petitioner be released on bail.

The Superintendent of Police, Buxar is directed to produce all the remaining prosecution witnesses on the date fixed by the court below without fail.



Considering the manner in which the prosecution has delayed the trial and the period of custody undergone by the petitioner, the petitioner, above named, is directed to be enlarged on bail on furnishing bail bond of Rs.25,000/- (Rupees twenty five thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. District and Sessions Judge-II, Buxar in connection with Rajpur P.S. Case No. 207 of 2019 / G.R. No. 2341 of 2019, subject to the following conditions:-

(1) Bailors should be local having sufficient immovable property within the jurisdiction of the Court concerned.

(2) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court.

(3) If the petitioner tampers with the evidence or the witnesses of the case, in that case, prosecution will be at liberty to move for cancellation of bail of the petitioner.

(4) If the petitioner is found involved in similar nature of offence, after his release on bail, the trial Court shall take steps to cancel his bail bonds.

Accordingly, the application stands disposed of.

(Purnendu Singh, J)

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