

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41796 of 2022**

Arising Out of PS. Case No.-681 Year-2017 Thana- KATIHAR NAGAR District- Katihar

KALU @ BIKESH JHA @ BIKASH JHA Sonof Prakash Jha @ Subodh Acharya @ Subodh Jha Resident of Village - Binodpur, Dhobi Tola, Ward No.32, P.s.- Katihar (N), Distt.- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Prasad Sah, Adv.
For the Opposite Party/s : Mr. Ram Anurag Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER**

3 12-10-2022 Heard learned counsel for the petitioner and the learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the offence under Sections 302 of the Indian Penal Code.

The father of the informant is subjected to assault by brick on his head by the petitioner on account of that he died during course of treatment.

It is apparent from the record that this is the third occasion the petitioner has renewed his prayer for bail before this Court as the prayer for bail of the petitioner had earlier been refused by the different co-ordinate Benches of this Court on two consecutive occasions vide orders dated 08.10.2018 and 08.09.2020 passed in Cr. Misc. No. 55728 of 2018 and Cr. Misc. No. 2016 of 2020, respectively. However, on the last occasion the trial court was directed to conclude



the trial within a period of nine months but the trial has not been concluded as yet even after lapse of more than one and half years.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that the trial of the case is not likely to be concluded in near future as the report received from court below reveals that out of ten charge-sheet witnesses, only four have been examined till date. He further submits that the petitioner is rotting in judicial custody since 16.09.2017 i.e. more than five years. Hence, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner.

Considering the facts and circumstances of the case and the period of incarceration of the petitioner let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with Sessions Trial No. 270 of 2018 arising out of Katihar Town P.S. Case



No. 681 of 2017 with 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 shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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