

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51733 of 2021

Arising Out of PS. Case No.-93 Year-2018 Thana- PHULPARAS District- Madhubani

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KRISHAN MOHAN LAL DAS SON OF LATE BINDESHWAR LAL DAS
R/O VILLAGE- GEHUMA, P.S. - PHULPARAS, DISTRICT -
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ratanakar Jha, Advocate

For the Opposite Party/s : Mr. Anil Prasad Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 27-04-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under section 302 of the Indian Penal Code.

As per the prosecution case, it is stated by the informant that he received information to the effect that the petitioner herein had murdered his brother.

It is submitted by learned counsel for the petitioner that from perusal of the FIR it would transpire that the informant is not an eye-witness to the occurrence. Further, referring to the order of the learned trial Court rejecting the prayer for bail of the petitioner it is submitted that although the petitioner has been in custody since 25.5.2018, not a single



witness has been examined on behalf of the prosecution and there is no progress in the trial whatsoever. Learned counsel further submits that the material against the petitioner at best is an extra judicial confession of some of the witnesses. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

Heard learned APP for the State.

A report was called for from the learned trial Court. As per the report received contained in letter dated 2.4.2022, charge was framed on 6.9.2018 and thereafter summons, bailable warrants followed by non-bailable warrant has been issued against the prosecution witnesses in December, 2019, however no witness has been examined on behalf of the prosecution yet.

Having heard learned counsel for the parties and taking into consideration the materials on record, the allegations in the FIR, the petitioner being in custody since 25.5.2018 and no witness having turned up on behalf of the prosecution inspite of charge having been framed on 6.9.2018 and even non-bailable warrants of arrest having been issued, the Court directs the petitioner to be enlarged on bail in connection with S.T. no.



282 of 2018 (arising out of Phulparas P.S. Case no. 93 of 2018)
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 Addl. Sessions Judge, Jhanjharpur, District
Madhubani subject to the following conditions :

(i) One of the bailors shall be a close relative of the
petitioner.

(iii) The petitioner 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 non-cooperation 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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