

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.43884 of 2022

Arising Out of PS. Case No.-210 Year-2020 Thana- HASPURA District- Aurangabad

Hanslal Singh @ Nitish S/O Vinesh Singh Resident of village- Manpura, P.S.-
Haspura, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satish Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Anuj Kumar Shrivastava, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 25-11-2022 The case is heard through video conferencing.

The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

Heard learned counsel for the petitioner and the learned APP for the State.

Petitioner seeks regular bail in connection with Haspura P.S. Case No. 210 of 2020 registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

As per the prosecution, the informant's father (now deceased) was assaulted by this petitioner by fist and bricks. Further it is alleged that this petitioner inflicted a fist blow at the deceased's neck due to which he died at the spot.

The main submissions advanced by the learned counsel Mr. Satish Kumar Sinha appearing for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 17786 of 2021 for the



relief of regular bail which was rejected and decided on 07.10.2021 by giving a direction to the Trial Court to expedite and conclude the trial of the petitioner within nine months and if the trial of the petitioner is not concluded in the said period then the petitioner has been given a liberty to renew his bail prayer and accordingly the petitioner has again come before this Court for the relief of regular bail as his trial is still pending and out of eight prosecution witnesses only three witnesses have been examined in which two went hostile and the petitioner has been languishing in jail since 17.10.2020.

Learned APP Mr. Anuj Kumar Shrivastava appearing for the State has opposed the bail prayer.

Though against the petitioner there is a serious allegation of having murdered the informant's father but while rejecting petitioner's previous prayer the trial Court was directed to expedite the petitioner's trial and conclude the same within nine months and that order was passed on 07.10.2021 and according to above submission only three witnesses out of eight prosecution witnesses have been examined so far which shows that the prosecution is not taking the petitioner's case seriously and the said lingering attitude of the prosecution goes in favour of the petitioner's prayer. Accordingly, in view of these facts as well as considering the petitioner's custody period and his clean



antecedent mentioned in his petition, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the 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 the concerned Court in connection with Haspura P.S. Case No. 210 of 2020, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

sangam/-

U		T	
---	--	---	--

