

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53589 of 2021**

Arising Out of PS. Case No.-36 Year-2019 Thana- BARHARIA District- Siwan

MAHBOOB ALAM S/O ZAMIRUL HAQUE R/O VILLAGE- KUDWA, P.S.
- BARHARIA, DISTRICT - SIWAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Satyendra Rai, Advocate

For the Opposite Party/s : Mr. Pramod Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER**

2 15-02-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State through virtual court proceedings.

Let the defect(s), if any, be removed within a period
of four weeks after complete start of the physical Court.

The petitioner seeks regular bail in connection with
Barharia P.S. Case No. 36 of 2019 giving rise to S.Tr. No. 222
of 2019 instituted for the offences under Sections 147, 148, 149,
341, 323, 324, 307, 379, 504 and 302 of the Indian Penal Code.

Learned counsel for the petitioner submits that the
petitioner is in custody since 05.02.2019, is a person with clean
antecedent and charges have been framed.

Learned counsel for the petitioner submits that this is
the third attempt of the petitioner to seek bail as earlier his bail
application was rejected vide order dated 01.08.2019 in Cr.
Misc. No. 43362 of 2019 and order dated 27.11.2020 in Cr.



Misc. No. 20042 of 2020. Learned counsel submits that from perusal of the order dated 27.11.2020 it would manifest that the Court had called for a report from the learned court below and the report disclosed that total seven prosecution witnesses are to be examined and presently the court is lying vacant since 28.08.2020 but the Presiding Officer assured the trial would be completed within a period of nine months, as such, the court looking at the assurance of the learned court below and surrounding circumstances did not grant bail to the petitioner. Learned counsel submits that on 17.01.2022 bailable warrant has been issued against the witnesses which in itself shows that witnesses are not interested or else they would have been vigilant as the trial has started.

Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

Considering the fact that the petitioner is in custody, is a person with clean antecedent, charges have been framed and till date the witnesses have not examined for which bailable warrant of arrest has been issued, let the petitioner above named be released on bail on furnishing bail bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X,



Siwan in connection with Barharia P.S. Case No. 36 of 2019 giving rise to S.Tr. No. 222 of 2019, with condition that if the petitioner on any date in the trial does not appear without plausible explanation the learned court below will be at liberty to cancel the bail bond of the petitioner.

(Satyavrat Verma, J)

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