

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54626 of 2021**

Arising Out of PS. Case No.-73 Year-2017 Thana- MAJHAULIA District-
West Champaran

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Sk. Buchai @ Kamaluddin S/O Sk. Yakub R/O Village-Kadamawa, P.S-
Gopalpur, District-West Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr. Surya Narayan Sah, Advocate

For the State : Mr. Ram Sumiran Rai, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA

ORAL ORDER

4 05-04-2022

Let the defects, as pointed out by the office, be removed within four weeks of starting of Court proceeding in physical mode in normal course.

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

Petitioner seeks bail in a case registered for the offences punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

It is alleged in the written report that on the date of occurrence while the informant along with his brother Sk. Anwarul were returning home, the accused petitioner along with others abused the informant and told to kill them. Thereafter the informant and his brother started running away behind the tree but Sk. Matloob and Sk. Bolar fired upon them, which hit his brother who fell down on the ground sustaining injury. It is



further alleged that other accused persons caught hold the brother of the informant and the petitioner again shot fire by pistol on the head of the informant's brother resulting which his brother died.

Earlier the bail application of the petitioner twice rejected vide order dated 28.11.2018 in Cr. Misc. No. 65055 of 2018 and vide order dated 06.03.2020 Cr. Misc. No. 71737 of 2019 with an observation to conclude the trial within one year from the date of receipt of this order and if the trial is not concluded within one year, the petitioner may renew his prayer for bail.

Vide order dated 21.01.2022 a report was called for with regard to the present stage of the trial. It reveals from the report that charge was framed on 04.01.2020 but the trial has not yet begun.

Learned counsel for the petitioner submits that in view of the report dated 28.01.2022 it is evident that there is no likelihood of the trial being concluded in near future and the petitioner is in custody since 27.06.2018.

Learned APP for the State has opposed the prayer for the bail of the petitioner.

Considering the facts and circumstances of the case and the period of custody since 27.06.2018, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.



10,000/- (Rupees 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. 742/19/CIS/534/19 arising out of Majhaulia P.S. Case No. 73 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 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 witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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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