

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60591 of 2021

Arising Out of PS. Case No.-280 Year-2020 Thana- KORHA District- Katihar

MD. SABBIR @ SABBIR HUSSAIN S/O MD. MOJAMMIL R/o-
Harishpur, P.S.- Korha, Distt.- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh
For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 05-01-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 179 of 2020, arising out of Korha Police Station Case No. 280 of 2020, registered for the offences punishable under Section 302/34 of the Indian Penal Code.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was dismissed as withdrawn by this Court, vide order, dated 25.03.2021, passed in Criminal Misc. No. 40077 of 2020, giving liberty to the petitioner to renew his prayer for bail after six months from the date of the order.

The allegation, as per the First Information Report, is that the petitioner, who happens to be the younger brother of the



deceased, has killed the elder son of the informant by means of knife when the deceased was sleeping in his room along with his wife.

Learned Counsel for the petitioner submits that the petitioner is the own brother of the deceased and has not committed any offence in the manner alleged. He further submits that the petitioner has been made accused in this case on the basis of the suspicion only and there is no eye witness to the alleged occurrence and in course of investigation, the police has not collected any material to connect the petitioner with the alleged killing. He further submits that the petitioner is in custody since 18.06.2020.

This Court, vide order, dated 27.10.2021, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 3rd Additional Sessions Judge, Katihar, and from perusal of the same, it would be evident that only charges have been framed and none of the chargesheeted witness has been examined as yet.

After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner is in custody since 18.06.2020, the trial is not likely to be concluded in near



future and this is second attempt on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Katihar, in connection with Sessions Trial No. 179 of 2020, arising out of Korha Police Station Case No. 280 of 2020.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

