

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63099 of 2022

Arising Out of PS. Case No.-199 Year-2020 Thana- MADHUBAN District- East Champaran

BISHUN DEO BHAGAT S/O Sukai Bhagat R/O Village- Chauhaniya, P.S-
Madhuban, District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Rashmi Jha, Advocate.

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-12-2022 Heard Ms. Rashmi Jha, learned counsel for the

petitioner and Mr. Anil Kumar Singh No.1, learned Additional

Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Madhuban P.S. Case No. 199 of 2020 registered for the offences
punishable under Sections 302 and 34 of the Indian Penal Code
1860.

This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
18.1.2022 passed in Cr. Misc. 38186 of 2021 with liberty to
renew his prayer for grant of regular bail after nine months if the
trial does not record any progress.

Learned counsel for the petitioner submits that from



the date of last rejection of the bail application of the petitioner, the trial has not progressed substantially and no charge sheet witness has yet been examined. The petitioner is in custody since 29.8.2020 and other co-accused persons have been granted bail by this Court as well as co-ordinate Bench of this Court in Cr. Misc. 31411 of 2021 and 38566 of 2022 respectively.

This Court vide order dated 23.11.2022 had called for a report from the learned trial court regarding stage of trial and in pursuance thereof, the report of learned 1st Additional District & Sessions Judge – cum – Special Judge, East Champaran, Motihari, dated 14.12.2022, is on record and from perusal of the same, it transpires that the charges have been framed against the petitioner on 26.4.2022 and none of the prosecution witness has been examined by the learned Trial Court.

Regards being had to the submission made by the parties and taking into consideration the fact that petitioner is in custody since 29.8.2020, charges have been framed and similarly situated co-accused persons have been granted bail by this Court as well as co-ordinate Bench of this Court, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.20,000/-



(Twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Additional Sessions Judge, East Champaran at Motihari, in connection with Madhuban P.S. Case No. 199 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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