

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4298 of 2023

Arising Out of PS. Case No.-9 Year-2022 Thana- BHAPTIAHI District- Supaul

Md. Taufique S/o Md. Mustaq R/v- Nauranga, P.S.- Azamnagar, District-
Katihar, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance:

For the Petitioner/s : Mr. Surendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sanjay Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 12-04-2023 Let the defects, if any, pointed out by the office be removed within four weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.

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

Petitioner seeks regular bail in connection with Bhaptiyahi P.S. Case No. 09 of 2022 dated 14.01.2022 registered for the offences punishable under Sections 365 and 201 of the Indian Penal Code and later on Section 302/34 of IPC was added.

This is the second attempt for the relief of regular bail and the fresh grounds taken by the petitioner in the present Cr. Misc. petition are his long custody period and lingering attitude of the prosecution in concluding the petitioner's trial. It is submitted

by learned counsel for the petitioner that there is no eyewitness of the alleged incident of murder and petitioner has been made accused mainly on the basis of assumption and there is no direct evidence against him and during investigation only family members of the victim were examined and the petitioner has been languishing in jail since 20.01.2022.

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

Though the instant matter relates to the serious offence of murder, but however considering the petitioner's long judicial custody period and prosecution's lingering attitude in concluding the petitioner's trial as according to the report sent by the Trial Court, the charges were framed upon the petitioner on 11.10.2022 and till date no prosecution witness has been examined out of eight prosecution witnesses and there is no allegation of having tampered with evidence or witnesses by this petitioner during the past period of his trial and petitioner has fair and clean antecedent, in my opinion, a lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the petitioner named above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of concerned Court in

connection with Bhaptiyahi P.S. Case No. 09 of 2022 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 Trial Court and shall remain physically present as directed by the Trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Trial Court.

(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 his 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)

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