

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4119 of 2023

Arising Out of PS. Case No.-128 Year-2021 Thana- CHHAURADANO District- East
Champaran

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Sajid Hussain @ Lalu S/O Abdul Manan R/v- Hardiya, P.S.- Chhauradano,
District- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance:

For the Petitioner/s : Mr. Binay Kumar, Advocate
For the Opposite Party/s : Mr. Shailendra Kumar, APP

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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 Chhauradano P.S. Case No. 128 of 2021 dated 29.05.2021 registered for the offences punishable under Sections 302, 201, 120(B) and 34 of the Indian Penal Code.

This is the second attempt of petitioner for the relief of regular bail. It is submitted by learned counsel for the petitioner that the petitioner is not named in the FIR, his name surfaced in

the confessional statement of co-accused Munna Alam, the allegation is that the deceased was having a love affair with the petitioner's sister but the said allegation is totally false and the fresh ground on which the petitioner has again come before this Court is his long custody period as he has been languishing in jail since 03.06.2021 and there is no direct evidence against him to connect him to the alleged occurrence of murder. Further submission is that the petitioner has fair and clean antecedent.

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

Heard both the sides. Though the instant matter relates to the serious offence of murder, but considering the petitioner's long custody period which has been about one year and ten months and as per the report sent by the Trial Court, out of ten prosecution witnesses only three prosecution witnesses have been examined till now which shows lingering attitude of the prosecution and there is no allegation by prosecution that the petitioner has affected the trial or tampered with the witnesses during the past period of his trial, 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 Chhauradano P.S. Case No.
128 of 2021.

(Shailendra Singh, J)

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