

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22881 of 2023

Arising Out of PS. Case No.-1033 Year-2018 Thana- PHULWARISHARIF District- Patna

AMARJEET CHAUDHARY Son of Sri Rajendra Chaudhary R/V- Nagwan,
Janipur, P.s- Janipur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Sinha, Adv.

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

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2023 Heard the parties.

The petitioners seek bail in a case registered for the offence punishable under Section 302 of the IPC.

This is fourth attempt of the petitioner before this Court for grant of regular bail. Earlier vide order dated 30.08.2019, 28.07.2021 and 25.08.2021, the prayer for bail application of the petitioner was rejected.

Vide order dated 12.04.2023, a report was called for, regarding the stage of trial and the time likely to be taken in conclusion of the trial. In compliance thereof, a report sent by learned Additional District & Sessions Judge- XVIII, Patna dated 24.04.2023, kept at Flag 'R', whereby inter alia it is submitted that out of five witnesses two have already been examined and three witnesses are yet to be examined. It is further stated that if the



prosecution will produce the witnesses on time, the case is likely to be disposed of within 9 months.

Earlier vide detailed order dated 30.08.2019, learned Court below was directed to conclude the trial within 16 months, vide order dated 25.08.2021, 6 months' time was granted and vide order dated 03.08.2022, 6 months' time was granted but the trial has yet not been concluded and further 9 months has been sought to conclude the trial.

Considering the period of custody of the petitioner, let the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Phulwarisharif (Janipur) P.S. Case No. 1033 of 2018, subject to the following conditions:

(1) One of the bailors will be own close relatives of the petitioner who will give an affidavit genealogy as to how he is relative to petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(2) The bailor shall also state on affidavit that he will inform the court concerned if the petitioner is made accused in any other case of similar nature after his release in the present case and



thereafter the court below will be at liberty to initiate the proceeding for cancellation of bail on ground of misuse.

(3) The petitioner shall remain physically present in the court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(4) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(5) The petitioner shall appear before the Police Station of his local area in the first week of each month till the disposal of the present case.

(Anjani Kumar Sharan, J)

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