

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17446 of 2023

Arising Out of PS. Case No.-831 Year-2019 Thana- KANTI District- Muzaffarpur

BHOLA KUMAR Son of NARESH BHAGAT Resident of Village- Rasulpur
Dih, Pakohi, P.S.- Karja, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar @ S.K., Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN
SINGH**

ORAL ORDER

3 03-05-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of Kanti
P.S. Case No. 831 of 2019, disclosing commission of offences
punishable under Sections 412, 413, 414, 467, 468, 472, 471/34
of the Indian Penal Code and Sections 25(1-b)a, 26 and 35 of
the Arms Act.

The petitioner's prayer for bail was earlier rejected by
this Court by an order dated 06.11.2020 passed in Criminal
Miscellaneous No. 18791 of 2020. The petitioner is in custody
since 11.11.2019. In the said order dated 06.11.2020, the Court
has noted the prosecution's case and the reason for refusal of
grant of bail. By making this application, the petitioner has



renewed his prayer for bail.

Learned counsel appearing on behalf of the petitioner has argued with reference to the statement made in paragraph-3 of the present application that after his arrest in connection with the present Kanti P.S. Case No. 831 of 2019, he has been implicated in several criminal cases though he has been remanded in only eight cases as mentioned therein. As regards the present Kanti P.S. Case No. 831 of 2019, this Court by an order dated 05.04.2023 had called for a report from the Court below as regards the present stage of the trial. A report has accordingly being received from the Court of learned I/C 12th Addl. Sessions Judge, Muzaffarpur dated 18.04.2023 from which it transpires that though the charge was framed against the petitioner on 24.08.2021, till the submission of the said report not even a single prosecution witness had been produced by the prosecution to depose at the trial in the said case.

As till date not even a single witness has been examined despite framing of charge on 24.08.2021, in the Court's opinion, a case is made out for release of the petitioner on bail.

This application is accordingly, allowed. Let the petitioner, above-named, be released on bail on furnishing bail



bonds of Rs. 10,000/- (ten thousand), with two sureties of the like amount, each to the satisfaction of learned Addl. District & Sessions Judge-XII, Muzaffarpur in Sessions Trial No.- 84/2021 arising out of Kanti P.S. Case no. 831 of 2019.

(Chakradhari Sharan Singh, J)

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