

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28834 of 2023

Arising Out of PS. Case No.-467 Year-2020 Thana- BIDUPUR District- Vaishali

NIRAJ SHARMA SON OF SURESH SHARMA R/O VILLAGE-
RAHIMAPUR, P.S.- BIDUPUR, DISTRICT- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ujjwal Kumar Mishra, Advocate

For the Opposite Party/s : Mr. Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 03-05-2023 1. Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order, failing which the matter be listed again under the appropriate heading for necessary action.
2. Heard learned counsel for the petitioner and the learned APP for the State.
3. Petitioner seeks regular bail in connection with Bidupur P.S. Case No.467 of 2020 dated 28.10.2020 registered for the offence punishable under Sections 304(B) and 34 of the Indian Penal Code.
4. The main submissions advanced by the learned counsel for the petitioner are that the petitioner earlier preferred Cr. Misc. No.21904 of 2022 for the relief of Regular Bail which was rejected by this Bench with a liberty to the



petitioner to renew his bail prayer after framing of charge before the trial Court and accordingly the petitioner availed the said liberty and filed the petition for bail before the trial Court after framing of charge but his prayer has been rejected and now he has again come before this Court for the same relief. It is further submitted that the petitioner has been languishing in jail since 25.12.2021 and his trial has started and charge has been framed upon him on 29.08.2022 and after the lapse of more than eight months no prosecution witness has turned up which shows the lingering attitude of the prosecution. Further submissions are that the victim's marriage with this petitioner took place in the year 2014 and the victim was not capable to give birth to a child, owing to which she was under frustration and she herself committed suicide.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly the petitioner's custody period and also the fact that the trial of the petitioner has started and there is a lingering attitude on the part of the prosecution in producing the prosecution witnesses in the trial of the petitioner, in the opinion of this Court, now the petitioner is entitled to be released on bail, let



the petitioner be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Bidupur P.S. Case No.467 of 2020.

(Shailendra Singh, J)

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