

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25936 of 2023

Arising Out of PS. Case No.-55 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

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Bhola Kumar Chourasiya @ Bhola Chouasia, Son of Ram Bali Chourasiya @
Ram Bali Mahto, R/V- Chakdullam, Ward No. 13, Banwaripur, P.S.-
Bhagwanpur, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ravi Shankar Sahay, Advocate Mr. Randhir Kumar No.1, Advocate
For the Opposite Party/s :		Mr. Sanjay Kumar Sharma, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 21-06-2023 Heard Mr. Ravi Shankar Sahay, learned counsel for
the petitioner and learned APP for the State.

This is the second attempt wherein the petitioner is
renewing his prayer for bail in connection with S.Tr. No. 382 of
2021, arising out of Cheria Bariyarpur P.S. Case No. 55 of 2021,
registered for the offences punishable under Sections 395 and
397 of the Indian Penal Code.

Earlier, the prayer for bail of the petitioner was
rejected vide order dated 19.09.2022 passed in Cr. Misc. No.
69211 of 2021 taking into consideration that certain looted
currency notes were recovered from his possession, apart from
the other incriminating materials, coupled with the criminal
antecedent of the petitioner.



Mr. Ravi Shankar Sahay, learned counsel for the petitioner submits that the case has been committed to the Court of Sessions on 20.07.2021 and thereafter charges have already been framed on 21.09.2021, but till date not even a single witness has been examined, which shows the prosecution is not sincerely prosecuting the case inasmuch as the petitioner is in incarceration for over a period of two years.

A report was called for, which also suggests the fact that till date not even a single witness has been examined.

The petitioner further drawn the attention of this Court to the earlier order whereby the prayer for bail of the petitioner was rejected for the present, for the reason that the petitioner was not identified by the witnesses at the time of Test Identification Parade.

At this juncture, learned counsel for the State opposes the bail application and submits that let a direction be given to the trial court to conclude the trial expeditiously.

Regard being had to the submissions made on behalf of the parties and taking into consideration the fact that though the charges have been framed way back on 21.09.2021, but till date not even a single witness has been examined showing the lackadaisical approach of the prosecution, apart from the fact



that the petitioner is in custody for over a period of two years, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-II, Begusarai in connection with S.Tr. No. 382 of 2021, arising out of Cheria Bariyarpur P.S. Case No. 55 of 2021, subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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