

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25743 of 2022

Arising Out of PS. Case No.-888 Year-2017 Thana- KHAGARIA District- Khagaria

KARE LAL SINGH Son of Late Lakhan Singh Resident of Village - Ekania,
P.s.- Mansi, Distt.- Khagarria.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Kumar, Advocate

For the Opposite Party/s : Mr.Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 04-01-2023 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with Khagaria P.S. Case No. 888 of 2017 registered for the offence under Section 364 of the Indian Penal Code.

This is the fourth attempt of the petitioner to obtain bail in this case. Earlier the prayer for bail of the petitioner was rejected by this Court after noticing the allegation that the petitioner was lastly seen in the company of the deceased. While rejecting the prayer for bail of the petitioner on 01.06.2020, this Court observed that the learned trial court to proceed with the trial and conclude the same as early as possible preferably within a period of six months from the date of receipt/production of a copy of this order. In the third attempt of



the petitioner while considering Cr. Misc.No. 16416/2021, this Court directed the learned trial court to take step for separating the trial of the petitioner if co-accused are not appearing and to take coercive action against the non-appearing accused. The Public Prosecutor was expected to cooperate with the trial in the learned trial court in early conclusion of the trial preferably within a period of six months from the date of start of normal functioning of the Court. This Court further observed that if the trial remains unconcluded for no reason attributable to the petitioner, he may renew his prayer for bail.

Learned counsel for the petitioner submits that from the report received from the learned trial court, it would appear that in this case the charge has been framed on 30.09.2021, thereafter summons, bailable warrants and non-bailable warrants as well as Dasti summon have been issued against the prosecution witnesses. Out of nine charge-sheet witnesses only four witnesses have been examined so far and the case is still fixed for evidence of rest of the charge-sheeted witnesses. It is submitted that in the meantime, the petitioner has already spent four and half years in custody as an under-trial prisoner.

Learned A.P.P. for the State has though opposed the prayer for bail of the petitioner, considering the facts and



circumstances of the case wherein the petitioner has already spent four and half years in custody and the trial is not likely to be concluded in near future, this Court directs release of the petitioner on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge - 5th Khagaria in connection with S.T. No. 97/2019 arising out of Khagaria P.S. Case No. 888 of 2017, subject to the condition as laid down under Section 437 (3) Cr.P.C.

And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajeev Ranjan Prasad, J)

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