

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28808 of 2023

Arising Out of PS. Case No.-100 Year-2021 Thana- BIHAR District- Nalanda

Suraj Kumar, Son of Karu Sao, Resident of Village- Birchait Malikpur, PS-
Rajgir, Dist- Nalanda, At Present Residing at Mohalla- Bharawpar PS- Laheri,
Distt- Nalanda (Biharsharif)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Narendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. M K Nirala, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 19-07-2023 Heard Mr. Narendra Kumar Singh, learned counsel

appearing on behalf of the petitioner and the learned APP for the

State.

2. The petitioner seeks regular bail in connection with
Bihar P.S. Case No. 100 of 2021 giving rise to Sessions Trial
No. 352 of 2021 registered for the offences punishable under
Section 306/34 of the Indian Penal Code.

3. This is the second attempt made on behalf of the
petitioner as earlier the prayer for bail of the petitioner was
turned down by this Court vide order dated 22.08.2022 after
taking into consideration the materials showing the complicity
of the petitioner that just prior to the alleged commission of
suicide, the deceased was mercilessly beaten by the petitioner



which fact was also corroborated by the injuries found over the body of the deceased. However, while rejecting the prayer for bail of the petitioner liberty was granted to the petitioner to renew his prayer for bail after six months if there would not be any substantial progress in the trial.

4. Mr. Singh, learned counsel for the petitioner fairly submits that till date out of twenty charge-sheet witnesses only six witnesses have been examined, which facts also fortified by the status report submitted before this Court by the learned trial Court. He further submits that after the earlier order of rejection passed by this Court, only one witness has been examined and there is no likelihood of conclusion of trial in near future.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that ample material has come against the petitioner suggesting his involvement and, moreover, there is no cogent and overwhelming circumstances warranting any reconsideration for bail of the petitioner.

6. Regard being had to the submissions made on behalf of the parties and considering the fact that the petitioner has been in incarceration since 09.02.2021 and there is no likelihood of conclusion of trial in near future and, as such,



keeping the petitioner behind the bar would serve no further purpose, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) each with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge, II, Bihar Sharif, Nalanda in connection with Bihar P.S. Case No. 100 of 2021 giving rise to Sessions Trial No. 352 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.

(v) 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 immediate step for cancelling the bail



bond of the petitioner. However, the acceptance of bail bonds, in terms of the above-mentioned order, shall not be delayed for this purpose or in the name of verification.

(Harish Kumar, J)

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