

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34085 of 2023

Arising Out of PS. Case No.-629 Year-2021 Thana- SIKARPUR District- West Champaran

BHASKAR KUMAR CHAUBEY @ BHUTNATH Son of Ramendra
Chaubey Resident of - Parorha, Ward No.- 8, P.S.- Sathi, District - West
Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Umesh Kumar Gupta, Adv.

For the Opposite Party/s : Mr. Manoj Kumar, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 28-06-2023 Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sikarpur P.S. Case No. 629 of 2021 dated 10.11.2021 registered
for the offence punishable under Section 394 of the Indian Penal
Code.

3. This is second attempt of the petitioner for the
relief of regular bail and his earlier bail prayer has been rejected
by this Bench vide order dated 13.09.2022 passed in Cr. Misc.
No. 20844 of 2022 preferred by this petitioner and he has been
languishing in jail since 13.11.2021.

4. The fresh grounds taken by the petitioner to get the
relief of regular bail in his second attempt are that the petitioner



has been languishing in jail since 13.11.2021 and he has completed one year and six months in jail and he has been made accused in this case mainly on the basis of recovery of some currency from his house but the said recovered currency belongs to the petitioner and the second ground is that the petitioner's trial has started and upon him, the charge has been framed on 23.03.2023, but thereafter, no progress in his trial has been made by the prosecution till date and no prosecution witness has been produced and examined.

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

6. Heard both the sides. Though, there is serious allegation against the petitioner but however considering the petitioner's custody period which has been about one and half year and also the fact that the petitioner's trial has started and upon him, the charge has been framed on 23.03.2023 but no prosecution witness has been produced till date as per above submission, which shows prosecution's slowness in producing and examining the prosecution witnesses and the petitioner has fair and clean antecedent as mentioned in his petition, in my opinion in the present circumstances, the petitioner now deserves to a lenient approach of this Court. Accordingly, let the



petitioner named-above be enlarged 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 Court concerned in connection with Sikarpur P.S. Case No. 629 of 2021.

(Shailendra Singh, J)

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