

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35705 of 2023

Arising Out of PS. Case No.-273 Year-2020 Thana- PARSABAZAR District- Patna

SONU KUMAR Son of Satish Kumar Resident of village - New Jakkanpur,
P.S. - Jakkanpur, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Usha Kumari Singh, Advocate

For the Opposite Party/s: Mr. Chandra Bhushan Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 26-07-2023 Heard Ms. Usha Kumari Singh, learned counsel for
the petitioner and Mr. Chandra Bhushan Prasad, learned
Additional Public Prosecutor appearing for the State.

2. Petitioner seeks regular bail in connection with
Sessions Trial No. 718 of 2021 arising out of Parsa Bazar P.S.
Case No. 273 of 2020 registered for the offence punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

3. This is second attempt for grant of regular bail on
behalf of the petitioner inasmuch as earlier the bail application
of the petitioner was rejected by this Court vide order dated
6.4.2022 passed in Cr. Misc. 37665 of 2021 with liberty to
renew his prayer for grant of regular bail after one year if the
trial does not show any progress.



4. As per the prosecution case, two persons came at the house of the informant, called her husband and shot him dead.

5. Learned counsel for the petitioner submits that while rejecting the bail application of the petitioner earlier, this Court had directed the petitioner to renew his prayer for bail after one year if the trial does not show any progress. The petitioner is not the assailant and as per the material collected during investigation it has come to light that the petitioner was driving the Motorcycle, on which, the killer was sitting and fired upon the husband of the informant. He further submits that the petitioner is in custody since 3.10.2020.

6. This Court vide order dated 21.6.2023 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned ADJ XXXI, Patna, dated 14.07.2023 is on record and from perusal of the same, it transpires that out of seven charge sheet witnesses none of them has been examined by the prosecution.

7. Regards being had to the submission made by the parties and taking into consideration the period of custody of the petitioner and tardy progress of the trial, I am inclined to grant regular bail to the petitioner.



8. Accordingly, let the petitioner, above named, be released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge XXV, Patna, in connection with Sessions Trial No. 718 of 2021 arising out of Parsa Bazar P.S. Case No. 273 of 2020 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

(Anil Kumar Sinha, J)

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