

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42184 of 2022

Arising Out of PS. Case No.-123 Year-2019 Thana- NAUGACHIA District- Bhagalpur

JWALA SINGH S/o Bindeswari Singh R/o village- Shripur, Dobhara Tola,
P.S.- Naugachia, District- Bhagalpur

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Binod Murari Mishra, Advocate

For the Opposite Party/s : Mr.Kanhaiya Kishore, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 11-01-2023 Heard learned counsel for the petitioner and learned A.P.P.
for the State.

This is the second attempt of the petitioner to obtain bail in connection with Naugachia P.S. Case No. 123 of 2019 registered for the offences punishable under Section 498(A), 304(B), 201 read with Section 120(B) of the Indian Penal Code. He is in custody since 28.06.2019 having no criminal antecedent as stated in paragraph '3' of the application.

Earlier the prayer for bail of the petitioner was rejected vide order dated 02.09.2021 passed in Cr. Misc. No. 8732/2021 giving liberty to the petitioner that if the trial remains unconcluded within a period of nine months, for no fault on the part of the petitioner, he may renew his prayer for bail.

Having regard to the facts and circumstances of the case wherein on earlier occasion the prayer for bail of the petitioner was rejected with an observation that in case the trial is not concluded



within a period of nine months for no fault on the part of the petitioner he may renew his prayer for bail and the observations of the court below in the impugned order shows that despite issuance of bailable warrants the prosecution witnesses have not turned up and the petitioner has remained in custody for more than three and half years in connection with this case, therefore, this Court directs release of the petitioner above named 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 2nd Additional Sessions Judge, Naugachia, District – Bhagalpur in connection with S.T. No. 513 of 2021 (arising out of Naugachia P.S. Case No. 123 of 2019), 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)

Rajeev/-

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