

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53199 of 2023

Arising Out of PS. Case No.-1 Year-2019 Thana- BUNIYAD GANJ District- Gaya

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BINOD KUMAR Son of Jawahar Tanti @ Jawahar Prasad Resident of
Mohalla - Shiv Charan Lane, Surya Pokhar Road, P.S.- Buniyadganj, District
- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Manish Kumar No2

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 04-12-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the third attempt of prayer of bail by the
petitioner, earlier the application for regular bail of the petitioner
was rejected respectively vide orders dated
20.11.2019/06.07.2022 passed in Cr. Misc. Nos. 42164 of
2019/36836 of 2021.

3. The petitioner has prayed for regular bail in a case
instituted for the offence under Sections 302 and 201 of the IPC.

4. The allegation against the petitioner is of killing his
wife.

5. It is submitted by learned counsel for the petitioner
that petitioner has been falsely implicated in this case. He has



committed no offence. Petitioner is the husband of the deceased. He submitted that on the last occasion while rejecting the bail application of the petitioner, the Hon'ble Court had directed the Court below to conclude the trial within nine months from the date of receipt/production of a copy of the order and the petitioner was given liberty to renew his prayer for bail before the Court below itself if the trial is not concluded within the stipulated period. He further submitted that from the perusal of the impugned order, it appears that learned Court below holds that a large number of witnesses are yet to be examined on behalf of the petitioner. The petitioner is in custody for about four and a half years, but in view of the aforesaid finding of the learned trial Court, the trial is not going to be concluded in near future. It is also submitted that out of five witnesses examined on behalf of the prosecution not a single witness has supported the prosecution version as the P.W. 2, 3 and 4 have been declared hostile and the P.W. 1 has also not supported the prosecution version. From the perusal of the trial Court report, it is also evident that the case is pending for prosecution evidence. Petitioner has got no criminal antecedent as stated in para-3 of the bail petition. He is languishing in judicial custody since 31.12.2018.



6. The application for bail is opposed by learned APP
for the State.

7. Having heard learned counsel for the parties and
considering the facts and circumstances of the case as well as
period of custody, this court is inclined to enlarge the petitioner
on bail. The above named petitioner is directed to be enlarged
on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand
only) with two sureties of the like amount each to the
satisfaction of the learned Additional District and Sessions
Judge-III, Gaya in connection with Buniyadganj P.S. Case No.
01 of 2019.

(Sunil Kumar Panwar, J)

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