

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50670 of 2023

Arising Out of PS. Case No.-160 Year-2018 Thana- NAGARNAUSA District- Nalanda

UPENDRA PRASAD @ RUPENDRA PRASAD SON OF LATE
BISHUNDEV PRASAD RESIDENT OF VILLAGE- KORARI, PS-
NAGARNAUSA, DISTRICT -NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Suraj Kumar, Advocate

For the Opposite Party/s : Mr.Umanath Mishra,APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 01-09-2023 1. Heard learned counsel for the petitioner and

learned APP for the State.
2. Petitioner seeks regular bail in connection

with Sessions Trial No.531 of 2019 arising out of

Nagarnausa P.S. Case No.160 of 2018 dated 30.12.2018

registered for the offence/s punishable under Section/s

304(B) and 201/34 of the Indian Penal Code.
3. This is the fourth attempt of the petitioner

for the relief of regular bail after his last three attempts for

the same relief was rejected by this Court vide orders dated

11.12.2019 passed in Cr. Misc. No. 69592 of 2019, dated

25.01.2021 passed in Cr. Misc. No. 34501 of 2020 and



dated 10.08.2022 passed in Cr. Misc. No.17467 of 2022 mainly on the ground of the liberty given to him in the last rejection order.

4. The main submissions advanced by learned counsel for the petitioner are that the petitioner has been languishing in jail since 03.01.2019 and he has undergone about 4 years and 8 months in jail and this Court granted the liberty to the petitioner that he may renew his bail prayer after nine months from the date of earlier rejection order, if his trial is not concluded in the said period and the last prosecution witness was examined on 27.05.2023 as PW-3 (Upendra Prasad) who turned hostile and thereafter no prosecution witnesses appeared despite several attempts having been made by the trial Court which shows the lingering attitude of the prosecution in producing the witnesses.

5. Learned APP appearing for the State opposes the bail prayer.

6. Considering the above submissions and mainly taking into account the petitioner's young age, his custody period and also the lingering attitude of the



prosecution in producing the witnesses in the trial of the petitioner, in my opinion, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail in connection with Sessions Trial No.531 of 2019 arising out of Nagarnausa P.S. Case No.160 of 2018 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.

(Shailendra Singh, J)

sangam/-

U		T	
---	--	---	--

