

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48502 of 2022

Arising Out of PS. Case No.-15 Year-2019 Thana- SONBERSA District- Saharsa

MD. USMAN, Son of Late Amir Bakas @ Bauka, Resident of Village-Haripur, P.s.- sonbarsa Raj, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dr. Pankaj, Adv

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 25-01-2023 Heard learned counsel for the petitioner and learned APP
for the State.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

Petitioner seeks bail in connection with S.T. No. 95 of 2019, arising out of Sonbarsa Raj P.S. Case No. 15 of 2019 registered under Sections 302 and 34 of the Indian Penal Code.

Twice the petitioner's prayer for bail has been rejected earlier, having regard to the allegation attributed against the petitioner.

As per FIR, the petitioner has assaulted the informant's son on his head by means of *Dabiya*.



The Court while rejecting the petitioner's prayer had also taken notice of the six antecedents of the petitioner. The petitioner now has renewed his prayer for bail for the third time. By now he has remained in custody for three and a half years.

The report submitted by the Additional Sessions Judge III shows that beyond framing of charges, there is no progress at the trial, whereas there are nine witnesses enlisted in the chargesheet, which includes the I.O. and Doctor.

Learned APP has opposed the prayer for bail.

The Court, considering the aforesaid facts and circumstances regarding there being no progress at the trial and custody of the petitioner, now more than three and a half years, is inclined to allow the prayer for bail.

Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned C.J.M., Saharsa in S.T. No. 95 of 2019, arising out of Sonbarsa Raj P.S. Case No. 15 of 2019, subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also



undertake to inform the Court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

Sumit/shashank-

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