

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52402 of 2023

Arising Out of PS. Case No.-177 Year-2021 Thana- MURLIGANJ District- Madhepura

PRINCE KUMAR Son of Vivek Kumar Sah Resident of At – Sahebganj
Itahari, ward no. 09, P.S. - Murliganj, Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms. Alka Verma, Advocate

For the Opposite Party/s : Mr. Shyameshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 08-12-2023 1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.
2. The petitioner has renewed his prayer for bail in a
case registered under sections 302, 120B and 34 of the Indian
Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, the informant states
that his daughter happens to be the second wife of one Vivek
Kumar Sah. The petitioner happens to be the son of the said
Vivek Kumar Sah from his first marriage. The accused persons
including the petitioner herein assaulted the informant's
daughter as a result of differences in the family affairs and she
was done to death.
4. Learned counsel for the petitioner submits that the
earlier prayer for bail of the petitioner was rejected vide order



dated 6.1.2023 passed in Cr. Misc. no.14886 of 2022. There is no eye witness to the occurrence and the cause of false implication is family dispute between the parties. The allegations are general and omnibus in nature. The petitioner is in custody since 24.5.2021 and though the trial has commenced, there is no chance of the same concluding in the near future.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that as per instructions received, the trial has proceeded to a great extent.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 19.10.2023, out of the seven chargesheet witnesses, only one witness has been examined on behalf of the prosecution andailable warrants have been issued for appearance of the other witnesses.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the same being general and omnibus in nature, the petitioner having remained in custody for more than 2 years 6 months since 24.5.2021 and the stage of the trial whereinailable warrants have been issued for appearance of the other prosecution witnesses, the Court directs the petitioner to be enlarged on bail



in connection with Sessions Trial no.239 of 2022 (arising out of Murliganj P.S. Case no.177 of 2021) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge IV, Madhepura.

(Partha Sarthy, J)

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