

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54371 of 2023

Arising Out of PS. Case No.-63 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

BINOD SINGH @ BINOD KUMAR SINGH Son Of Late Shiv Pujan Singh,
Resident Of Village- Karisath, P.S.- Udwant Nagar, Dist- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajendra Narayan, Sr. Adv.

Mr. Sunil Kumar Yadav, Adv.

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-09-2023 1. Heard learned senior counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Udwant Nagar P.S. Case No. 63 of 2021, dated 05.02.2021
registered for the offence(s) punishable under Section(s) 411,
420, 467, 468, 471 and 120(B) of the Indian Penal Code and
Section(s) 8/20(b)(ii)(c), 25 and 29 of the N.D.P.S. Act.

3. This is second attempt of the petitioner to get the
relief of regular bail as his earlier prayer was rejected by this
Bench vide order dated 22.03.2023 passed in Cr. Misc. No.
45846 of 2022 preferred by this petitioner.

4. The main fresh ground taken by the petitioner in
this petition is his serious heart disease and in this regard it is
submitted by the learned senior counsel appearing for the



petitioner that the petitioner is a heart patient and has been referred to AIIMS, New Delhi by Central Jail for heart surgery and his bypass surgery(open heart surgery) has been done but still his health condition is not good as after operation, some septic has taken place near the cardiac portion of the petitioner and then he was again operated and still his condition is not good and after discharge from hospital, petitioner will not survive in jail and in respect of his present ailment as well as treatment at AIIMS New Delhi, relevant documents including his photographs have been filed vide *Annexure-3* series.

5. Learned APP appearing for the State has no objection to the prayer for bail of the petitioner mainly on the ground of his serious ailment.

6. Heard both the sides. Though, against the petitioner there is serious allegation and his earlier prayer for bail was rejected by this Court and the instant matter relates to the recovery of huge quantity of narcotic material but however, considering his serious health condition as appears from the documents submitted by the petitioner vide *Annexure-3* series which goes to show that the petitioner is suffering from serious heart disease in the present, so, in the said circumstance, it will be proper to enlarge the petitioner on bail. Accordingly, let the



petitioner named-above be enlarged **on bail on furnishing bond of two sureties of Rs. 10,000/- (ten thousand) each to the satisfaction of the concerned Court in connection with Udwant Nagar P.S. Case No. 63 of 2021 on the following conditions:-**

(i) Petitioner's bail bond will be taken after his recovery from his ailment.

(ii) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and **after recovery from his ailment** petitioner shall remain physically present as directed by the trial Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial Court.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of his bail.

(iv) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J.)

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