

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53047 of 2023

Arising Out of PS. Case No.-221 Year-2021 Thana- KHARIK District- Bhagalpur

AMIT RAJAK @ BHUSKHARI RAJAK @ BABLU RAJAK Son Of
Banarsi Rajak Resident Of Village- Lattipur, P.S. - Bihpur, District-
Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.
Mr. Sanjeev Kumar, Adv.
For the State : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 01-09-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. Petitioner seeks regular bail in connection with
Kharik P.S. Case No. 221 of 2021, dated 26.09.2021 registered
for the offence(s) punishable under Section 302/34 of the Indian
Penal Code.
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 22.08.2022 passed in Cr. Misc. No.
29486 of 2022 preferred by this petitioner.
4. The main submissions advanced by learned
counsel for the petitioner are that in the earlier rejection order
this Court has directed the trial Court to expedite the trial of the



petitioner and conclude the same within nine months from the date of that order and petitioner's trial has commenced on 06.04.2022 when the charges were framed upon him thereafter several dates have passed but despite that no prosecution witness has turned up till 17.07.2023 and in this regard relevant order sheets of the trial Court has been filed as *Annexure-3* series and the same is sufficient to show the prosecution's lingering attitude in producing the witnesses in the trial of the petitioner. Further submission is that so far as the merit of this case is concerned, there is no specific allegation against him in the FIR and any motive on the part of the petitioner to kill the deceased has not been revealed in the FIR and the petitioner has been dragged in the present case mainly on the basis of victim's last company with this petitioner and during investigation, no witness claimed to have seen this petitioner at the relevant time of the occurrence. Further submission is that the petitioner has been languishing in jail since 27.09.2021.

5. Learned APP appearing for the State has opposed the prayer for bail.

6. Considering the above submissions and mainly the custody period of the petitioner and also, the lingering attitude of the prosecution in producing the witness in the trial of the



petitioner as discussed above, in my opinion, in the present circumstances, petitioner now deserves to a lenient approach of this Court. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Kharik P.S. Case No. 221 of 2021 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and 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.

(ii) 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.

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

(Shailendra Singh, J.)

Maynaz/-

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

