

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52967 of 2023

Arising Out of PS. Case No.-114 Year-2022 Thana- KORHA District- Katihar

MD. TABARAK Son of Md. Yunush Resident of Village-Jorgang, P.S.-
Bhargama, Dist-Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar, Adv.

For the Opposite Party/s : Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2.The petitioner seeks bail in connection with Korha
P.S. Case No. 114 of 2022 registered for the offence punishable
under Sections 392 and 307 of the IPC and Section 27 of the
Arms Act.

3. The petitioner has remained in custody since
14-03-2022. His implication is based on statement of co-
accused, namely, Guddu Kumar and his prayer for bail was
earlier rejected on 07.02.2023 in Cr. Misc. No. 38179 of 2022
(Annexure-1).

4. Earlier, this Court vide order dated 01-09-2023 had
called for a report regarding the current stage of trial. Pursuant
to this Court's order, report dated 13-09-2023 has been sent by



learned Additional District And Sessions Judge, III, Katihar.

5. Rather than reiterating the prayer for bail on merits which has been considered in the order dated 07-02-2023, learned counsel for the petitioner submits that Guddu Kumar, who stated the petitioner's name, has been allowed bail in Cr. Misc. No. 46624 of 2022. It is also submitted that three witnesses, who deposed at the trial, have turned hostile, though in the investigation they have been stated to be eye witnesses. The petitioner is on bail in the three other cases pending against him since before, as per statement made paragraph no.3 of the bail petition.

6. Learned APP for the State has opposed the prayer for bail. It is submitted that cash was recovered from the petitioner so as to connect him with the alleged occurrence.

7. Considering the rival submissions, the petitioner's claim based on parity, custody of the petitioner and the development at the trial brought on record, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

8. Let the petitioner, above named, be released 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 learned 3rd ADJ cum Spl. Judge, Katihar, in connection with Korha P.S. Case No. 114 of 2022 corresponding to Sessions Trial No. 362 of 2022, 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)

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