

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64868 of 2021

Arising Out of PS. Case No.-302 Year-2018 Thana- JAMUI District- Jamui

MD. SONU S/O MD. ANWAR RESIDENT OF VILLAGE- NAYA TOLA
AMRATH, P.S.- JAMUI, DISTRICT- JAMUI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Jitendra Kumar Pandey, Advocate
For the informant	:	Mr. Prabhat Ranjan Singh, Advocate
For the State	:	Mr. Suresh Prasad Singh, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

14 03-04-2023 Let the defect(s), if any, pointed out by the office be removed within three weeks from the date of this order failing which the matter be listed again under the appropriate heading for necessary action.

In view of the prayer made by the petitioner in the supplementary affidavit, the permission is accorded to delete the sessions trial number wrongly mentioned in the first paragraph of the main petition as well as in the prayer portion.

Heard learned counsel for the petitioner, the learned counsel for the informant and the learned APP for the State.

Petitioner seeks regular bail in connection with Jamui P.S. Case No. 302 of 2018 registered for the offence(s) punishable under Section(s) 302 and 120 B/34 of the Indian



Penal Code.

As per the prosecution, the informant alleged that one Sikandar Khan was murdered by this petitioner along with other co-accused persons and the corpse of the deceased was recovered from the house of accused persons.

The main submissions advanced by the learned counsel for the petitioner are that the petitioner earlier preferred Cr. Misc. No.61919 of 2019 for relief of regular bail which was rejected and by that same order, one co-accused, namely, Tara Khatoon was granted bail and before that one co-accused, namely, Rehana Praveen, carrying similar nature of allegation, had been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No. 63257 of 2018 and the petitioner's case has not been committed till now and the same has been running for commitment on account of wanting of appearance of other co-accused persons. Further submission is that the petitioner has been languishing in jail since 30.04.2019 and in the FIR, there is no specific allegation against him and altogether eight persons have been named in the FIR and on the part of the petitioner, there was no motive or reason to be involved in the alleged crime and allegation made against him is general and omnibus.



Learned counsel for the informant and learned APP appearing for the State have opposed the bail prayer.

Heard both the sides.

Though the instant matter relates to a serious offence but considering the petitioner's long custody period and also the fact that his case is at initial stage and the same has not been committed till now, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer, let the petitioner be released on bail, **after framing of charges upon him**, on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection Jamui P.S. Case No. 302 of 2018.

The learned Judicial Magistrate, where petitioner's case is pending for commitment, is directed to commit the petitioner's case if there is no any legal hurdle and thereafter the trial court concerned shall take steps to frame the charges upon the petitioner, at the earliest.

(Shailendra Singh, J)

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