

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59925 of 2023

Arising Out of PS. Case No.-496 Year-2021 Thana- NARPATGANJ District- Araria

1. Balram Kumar Sah, Son of Shivnarayan Sah, R/o vill - Sisvar Bazar, P.S. - Fulparas, distt. - Madhubani
2. Firoz Rahman, Son of Atiul Rahman, R/o vill - Sisvar Bazar, P.S. - Fulparas, distt. - Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 15-09-2023 1. Heard learned counsel for the petitioners and the learned APP for the State.

2. Petitioners seek regular bail in connection with S.T. No. 342 of 2022 & S.T. No. 519 of 2022 arising out of Narpatganj P.S. Case No. 496 of 2021 dated 20.11.2021 registered for the offences punishable under Sections 328 and 379/34 of the Indian Penal Code.

3. This is second attempt of the petitioners for the relief of regular bail after their earlier bail prayer was rejected by this Bench vide order dated 13.09.2022 passed in Cr. Misc. No. 21254/2022 preferred by both the petitioners.

4. The fresh ground taken by the petitioners for the



relief of regular bail in their second attempt is that in the earlier rejection order, this Court has granted liberty to the petitioners to renew their bail prayer after examination of the witnesses of the seizure and also given the same liberty if the witnesses of the seizure are not examined in the next six months from the date of that order and accordingly in the light of the said liberty, they have again come before this Court for the relief of regular bail as after that order, the trial court exhausted all the process like issuing letter to DGP to ensure the appearance of the witnesses of the seizure as well as other witness but prosecution failed to produce any of the witnesses and in this regard, operative portion of the order impugned may be perused. Further submission is that both the petitioners have been languishing in jail since 23.12.2021.

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

6. Considering the above submissions and mainly the prosecution's lingering attitude in producing the witnesses as appears from the order impugned as well as discussed above, in my opinion, in the said circumstances, the petitioners now deserve to the privilege of bail. Accordingly, let both the petitioners named-above be enlarged on bail on furnishing bail



bonds of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned in connection with S.T. No. 342 of 2022 & S.T. No. 519 of 2022 arising out of Narpatganj P.S. Case No. 496 of 2021.

(Shailendra Singh, J)

annu/-

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

