

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63749 of 2023

Arising Out of PS. Case No.-57 Year-2021 Thana- SIGAUDI District- Patna

Arbind Kumar Son Of Kashi Prasad @ Kashi Mahto Village Selhauri Ps
Dulhin Bazar District Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Advocate Mr. Santosh Kumar Pandey, Advocate
For the Opposite Party/s	:	Ms. Anita Kumari, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

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

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 71/2022 arising out of Sigori P.S. Case No. 57 of 2021 registered on 05.05.2021 for the alleged offences under Sections 341, 323, 324, 307 and 506/34 of the Indian Penal Code.

3. As per prosecution case, at the instance of the petitioner, the brother-in-law of the petitioner tried to slit the throat of the informant who was somehow saved. The occurrence took place in the background of property dispute between the petitioner and the informant who are step-brothers.



4. Learned senior counsel appearing on behalf of petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 10.10.2020 passed in Cr. Misc. No. 69839 of 2021. While rejecting prayer for bail, the learned trial court was directed to expedite the trial and conclude the same within a period of nine months. Learned senior counsel further submits that from the FIR itself it is evident that petitioner was not present at the place of occurrence or has participated in any manner in the said occurrence. The petitioner and informant are step-brothers and there is property dispute between them and for this reason, petitioner has been falsely implicated in this case. Even during investigation, nothing came up against this petitioner. Till date, only two witnesses have been examined out of total 8 charge-sheet witnesses and there is no chance of early conclusion of trial. The witnesses examined so far have not named the petitioner for any overt act. Petitioner is in custody since 22.08.2021.

5. Learned APP opposes the prayer for bail submitting that no new ground has been brought on record to consider the prayer for bail.



6. Perused the record.

7. A report has been called for from the learned trial court and in the said report dated 27.09.2023, the learned trial court has submitted that out of 8 charge-sheet named witnesses only two witnesses have been examined.

8. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the fact that there appears no chance of early conclusion of trial and further considering the period of the custody, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur, District-Patna/court concerned in connection with Sessions Trial No. 71/2022 arising out of Sigori P.S. Case No. 57 of 2021, subject to the conditions mentioned in Section 437(3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the



bail bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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