

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70668 of 2021

Arising Out of PS. Case No.-170 Year-2021 Thana- LAHERIMUHALLA District- Nalanda

Rakesh Kumar S/o Sri Ramnarayan Singh R/o Nalanda Colony,
Ramchandrapur, P.S. - Laheri, Distt. - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amresh Kumar Sinha, Advocate

For the Opposite Party/s : Mr. Satyendra Narayan Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 17-02-2023 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.

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

Petitioner seeks regular bail in connection with Laheri P.S. Case No. 170 of 2021 registered for the offences punishable under Sections 302, 120(B)/34 of the Indian Penal Code.

As per the prosecution, the informant's sister was hanged to the ceiling fan by the petitioner and other co-accused persons. Further, it is alleged that the deceased was being tortured and threatned to kill.

The main submissions advanced by the learned



counsel Mr. Amresh Kumar Sinha for the petitioner are that the petitioner is handicapped from his one leg which was caused due to an accident having taken place 6-7 months ago from the date of occurrence in which the petitioner's one leg had got fractured, due to which he became unable to drive the vehicle and thereafter whole family of the petitioner came back at Biharsharif at his father's residence which means that the deceased along with her family and two sons and husband was at Biharsharif for last six months and in the FIR there is general and omnibus allegation against him and all other co-accused persons have been granted bail by a different benches of this court. Further submission is that upon the petitioner the charge has been framed on 12.09.2022 and till now no prosecution witness has been produced and examined by the prosecution and in this regard the status of the petitioner's trial has been called for and the same has been received and petitioner has been languishing jail since 19.07.2021.

Learned APP Satyendra Narayan Singh appearing for the State has opposed the bail prayer.

In view of the facts, as stated above and mainly considering the petitioner's custody period and prosecution's lingering attitude in concluding the petitioner's trial as till now



no prosecution witness has been produced by the prosecution, while the petitioner has been languishing in jail since 19.07.2021 and the charges have been framed against him on 12.09.2022, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's prayer. Accordingly, let the petitioner 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 concerned Court in connection with Laheri P.S. Case No. 170 of 2021.

(Shailendra Singh, J)

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