

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67514 of 2023

Arising Out of PS. Case No.-129 Year-2022 Thana- MUFFASIL District- Aurangabad

RISHU KUMAR S/O RAMESH VISHWAKARMA R/O VILLAGE-
CHANDAULI, P.S- RAFIGANJ, DISTT.- AURANGABAD.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishan Prasad Singh, Sr. Adv. Mr. Rakesh Singh, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 10-11-2023 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
S.Tr. No. 327/2022/169/2022 arising out of Aurangabad
(Mufassil) P.S. Case No. 129 of 2022, dated 24.04.2022
registered for the offences punishable under Sections 302 and
120B of the Indian Penal Code.

3. This is second attempt of the petitioner to get the
relief of regular bail as his earlier prayer was rejected by this
Bench vide order dated 13.03.2023 passed in Cr. Misc. No.
45358 of 2022 preferred by this petitioner.

4. The main submissions advanced by learned
counsel for the petitioner are that the petitioner has been



languishing in jail since 30.04.2022, his name surfaced in the confessional statement of a co-accused Sunil Kumar Yadav and mainly on the said basis he has been made accused and one co-accused Jattu Yadav @ Chitranjan Yadav whose name also surfaced in the statement of co-accused has been granted bail by co-ordinate Bench of this Court vide order dated 22.06.2023 passed in Cr. Misc. No. 3229 of 2023 and the petitioner's case stands on similar footing with him and he has got no criminal antecedent and his trial has commenced and upon him, the charges have been framed on 23.02.2023 and thereafter, out of total 8 chargesheet witnesses, only one witness of the prosecution has been produced and examined which shows the prosecution's slowness in producing its witnesses.

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

6. Though, the instant matter relates to a serious offence and against this petitioner, there is serious allegation but considering his custody period, above-submissions and mainly the privilege of bail having been granted to one similarly situated co-accused, Jattu Yadav @ Chitranjan Yadav by the co-ordinate Bench of this Court and also taking into account petitioner's fair and clean antecedent and the stage of his trial,



this Court is now inclined to accept the petitioner's prayer for bail. Accordingly, let the petitioner named-above be enlarged 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 S.Tr. No. 327/2022/169/2022 arising out of Aurangabad (Mufassil) P.S. Case No. 129 of 2022.

(Shailendra Singh, J)

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