

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70023 of 2023

Arising Out of PS. Case No.-133 Year-2015 Thana- PHULWARIA District- Begusarai

Bhonu Singh, Son of Suresh Singh @ Suro Singh, Resident of Village-
Nipaniya, P.S.- Phulwaria, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Amar Kumar Singh, Adv.

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 01-12-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
S.T. No. 668 of 2023 arising out of Phulwaria P.S. Case No.
133 of 2015 dated 17.09.2015 registered for the offences
punishable under Sections 302, 120(B) read with 34 of the
Indian Penal Code and Section 27 of the Arms Act.

3. This is second attempt of the petitioner for the
relief of regular bail after his earlier bail prayer was rejected
by this Bench vide order dated 28.11.2022 passed in Cr. Misc.
No. 43745/2022 preferred by this petitioner.

4. The fresh grounds taken by the petitioner for the
relief of regular bail in his second attempt are that in the



earlier rejection order, this Court had granted liberty to the petitioner to renew his bail prayer if his trial is not concluded within six months from the date of passing of order and accordingly, in the light of the said liberty, he has come again before this Court for the relief of regular bail as till date his trial has not commenced and his case is running for framing of charge. Further submissions are that co-accused Nilesh Kumar, carrying similar nature of allegation, has been acquitted in S.T. No. 360/2018 who faced trial separately and in the present matter, one namely, Rubi Devi, who is stated to be only the eye-witness of the alleged occurrence, is now no more and other witnesses of the prosecution are relatives of the deceased and they are not stated to be the eye-witnesses of the alleged occurrence, hence if the petitioner is released on bail there is no chance of any tampering with any of the witnesses of the prosecution by him.

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

6. Considering the above submissions and mainly taking into account the petitioner's custody period and also the fact that his trial is at initial stage, in my opinion in the present circumstances, the petitioner now deserves to a lenient approach



of this Court. Accordingly, let the petitioner named-above be enlarged on bail, **after framing of charge**, 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 with S.T. No. 668 of 2023 arising out of Phulwaria P.S. Case No. 133 of 2015, on the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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