

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69796 of 2022

Arising Out of PS. Case No.-138 Year-2022 Thana- JOKIHAT District- Araria

Mubarak S/o Taslimuddin @ Taslim R/v- Sherlangha, P.S.- Jokihat, District-
Araria, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 04-01-2023 The learned counsel for the petitioner is directed
to remove all the defects pointed out by the Stamp Reporter
within one month.

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

Petitioner seeks regular bail in connection with S.T.
Case No. 316 of 2022 arising out of Jokihat P.S. Case No. 138
of 2022 registered for the offences punishable under Sections
302, 201 and 34 of the Indian Penal Code.

As per the prosecution, a day before the alleged
occurrence the petitioner had threatened the informant to kill his
son on account of a net having been torn by the informant's son
and thereafter as per the prosecution's story, the petitioner
forcefully took the victim on his motorcycle and after that the

victim's dead body was found in a maize field.

The main submissions advanced by learned counsel Mr. Suman Kumar appearing for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 32332 of 2022 for the relief of regular bail which was rejected by this Court with giving a liberty to renew his prayer after framing of the charge and now the petitioner has again come before this Court after framing of charge and the charges were framed upon him on 07.09.2022 by the trial Court and thereafter no prosecution witness has been examined till now which shows that the prosecution is very slow in producing the witnesses. Further submission is that there was no eye-witness to have seen the petitioner taking the deceased at the relevant time of the alleged occurrence and mainly on the basis of suspicion the petitioner has been charge-sheeted and he has been languishing in jail since 18.03.2022 and there is no eye-witness of the alleged murder and the petitioner has fair and clean antecedent.

Learned APP Mr. Ashok Kumar Singh appearing for the State has opposed the bail prayer.

Considering the above submissions and mainly taking into account the facts that after the rejection of the petitioner's earlier prayer the trial has started in respect of the petitioner's

case but till now no prosecution witness has been produced and examined which shows lingering attitude on the part of the prosecution in completing the petitioner's trial which is at initial stage and the petitioner has fair and clean antecedent and languishing in jail since 18.03.2022, in the opinion of this Court a lenient approach can be taken in respect of the petitioner's second bail prayer. Accordingly, let the petitioner 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 Court concerned in connection with S.T. Case No. 316 of 2022 arising out of Jokihat P.S. Case No. 138 of 2022.

(Shailendra Singh, J)

annu/-

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