

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69759 of 2022**

Arising Out of PS. Case No.-45 Year-2018 Thana- UPHARA District- Aurangabad

SHARAWAN KUMAR @ SHRAWAN @ CHHOTU KUMAR @ CHHOTU
@ AJAY YADAV Son of Abhimanyu Yadav R/V- Darwan, P.S- Uphara, Dist-
Aurangabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar, Advocate

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

**CORAM: HONOURABLE THE ACTING CHIEF JUSTICE
ORAL ORDER**

5 22-02-2023 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

This application for regular bail arises out of
Upahara P.S. Case No. 45 of 2018, disclosing offence
punishable under Sections 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Considering the long criminal antecedent of the
petitioner and gravity of the offence, the petitioner's prayer for
grant of bail has been rejected twice by this Court. This is his
third attempt by making this application for his release on bail.

When this case was taken up earlier on 25.01.2023,
the Court had called for a report as regards the present stage of
the concerned trial i.e. Sessions Trial No. 255 of 2019 from the



court below.

A report has been received from the court of learned Additional District and Sessions Judge-VII, Aurangabad from which it transpires that till submission of report i.e. 04.02.2023 only one prosecution witness had been examined on 27.11.2019 and thereafter no other witness has been examined.

Considering the fact that the petitioner has remained in custody continuously since 05.09.2019 and there is no perceptible progress at the trial, this application is allowed.

Let the petitioner, above-named, be released on bail on furnishing bail bonds of Rs. 10,000/-(ten thousand), with two sureties of the like amount, each to the satisfaction of learned Additional District and Sessions Judge-VII, Aurangabad, in Sessions Case No. 255 of 2019, arising out of Upahara P.S. Case No. 45 of 2018.

(Chakradhari Sharan Singh, ACJ)

Rajesh/-

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