

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73270 of 2023

Arising Out of PS. Case No.-337 Year-2022 Thana- KANTI District- Muzaffarpur

PRABHAT KUMAR @ PRABHAT KUMAR CHOUDHARY S/O RAM
SAHAY CHOUDHARY RESIDENT OF VILLAGE - GOSI CHHAPRA, P.S.
- KANTI, DISTT - MUZAFFARPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA,

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ashok Kumar Jha, Adv.

For the Opposite Party/s : Mr.Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 01-12-2023 1. Heard learned counsel for the petitioner and learned
APP for the State.
2. Petitioner seeks regular bail in connection with
Kanti P.S. Case No. 337/ 2022 dated 24.05.2022 registered for
the offence(s) punishable under Section(s) 363 and 366 of the
Indian Penal Code.
3. This is second attempt of the petitioner for the
relief of regular bail after the petitioner's earlier attempt for the
same relief was rejected by this Bench vide order dated
22.03.2023 passed in Cr. Misc. No. 53256/ 2022 preferred by
this petitioner.
4. It is submitted by the learned counsel for the
petitioner that the petitioner has come again for the relief of



regular bail mainly in the light of liberty given to him in the earlier rejection order whereby he was given a liberty to renew his bail prayer after the examination of the victim in his trial and now the so called victim has been examined and out of eight chargesheet witnesses only two witnesses, including the victim, have been examined and petitioner's trial is at initial stage. Further submissions are that the petitioner and the informant are agnates and the victim made contradictory statement in her deposition to the facts narrated in the FIR and due to land dispute the FIR has falsely been lodged against this petitioner and petitioner has been languishing in jail since 02.06.2022.

5. Learned APP appearing for the State opposes the bail prayer.

6. Heard both the sides. Though against the petitioner, there is serious allegation but considering the fact that the so called victim has been examined who is stated to be the most important witness in the trial of the petitioner and one other witness has also been examined and six witnesses are yet to be examined which may take some time and the petitioner has no criminal antecedent and petitioner and informant are agnates, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner



named-above be released on bail in connection with Kanti P.S.
Case No. 337/ 2022 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.

(Shailendra Singh, J)

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