

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71098 of 2022

Arising Out of PS. Case No.-59 Year-2020 Thana- BAISI District- Purnia

HUMAU Son of Abdul Khalik @ Abdul Khalique R/v- Hardar, P.S.- Baisi,
District- Purnea

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bijendra Kumar Singh, Advocate

For the Opposite Party/s : Ms. Asha Kumari, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 11-01-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner has renewed his prayer for grant of
bail in a case registered under sections 302, 498A, 120B and 34
of the Indian Penal Code.

The earlier application for bail of the petitioner was
rejected vide order dated 7.7.2021 passed in Cr. Misc. no.6751
of 2021 and order dated 30.3.2022 passed in Cr. Misc. no.5412
of 2022.

As per the prosecution case, the petitioner who was
married to the deceased 25 years ago, over a dispute over the
hand pump, it is stated that the petitioner banged the head of the
deceased in the trailer of the tractor leading to her death.

It is submitted by learned counsel for the petitioner



that while rejecting the prayer for bail of the petitioner vide order dated 30.3.2022, liberty was granted to the petitioner to renew his prayer for bail in the learned trial court if the trial is not concluded within four months. It is submitted that the petitioner has remained in custody since 10.9.2020 and there is no chance of the trial concluding in the near future.

A report was called for from the learned trial court. It transpires that although nine witnesses have been examined till date on behalf of the prosecution, however, as per the report received contained in letter dated 19.12.2022 of the 2nd Additional Sessions Judge, Purnea, the last witness was examined on 30.3.2022 and no witness has been examined in the last nine months.

Having heard learned counsel for the parties and taking into consideration the allegations, the liberty granted in the last order of rejection dated 30.3.2022 and no witness having been examined on behalf of the prosecution in the last more than nine months since 30.3.2022 together with the petitioner having remained in custody for more than 2 years since 10.9.2020, the Court directs the petitioner to be enlarged on bail in connection with Trial no.63 of 2021/CIS no.63 of 2021 (arising out of Baisi P.S. Case no.59 of 2020) on furnishing bail



bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of
the like amount each to the satisfaction of the learned 2nd
Additional Sessions Judge, Purnea.

(Partha Sarthy, J)

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