

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74017 of 2023**

Arising Out of PS. Case No.-34 Year-2022 Thana- NARKATIYAGANJ RAIL
P.S. District- West Champaran

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DASHRATH TURHA @ BHADU TURHA @ DASHRATH RAUT SON OF
SHESHNATH TURHA RESIDENT OF VILLAGE - KAILASH NAGAR, POLICE
STATION - BAGAHA (PATHKHAULI), DISTRICT - WEST CHAMPARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Baxi S.R.P. Sinha, Sr. Adv. Mr. Anand Kishore Choudhary
For the Opposite Party/s	:	Mr. Shailendra Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-12-2023 Heard Mr. Baxi S.R.P. Sinha, learned senior counsel

for the petitioner and Mr. Shailendra Kumar Singh, learned

A.P.P. for the State.

The petitioner seeks bail in connection with S. Tr.
No. 397 of 2022 arising out of Narkatiaganj Rail P.S. Case No.
34 of 2022 registered for the offence under Sections 302/34
of the Indian Penal Code.

The husband of the informant is alleged to have
been killed by the petitioner and others and thrown his dead
body to railway track.

Earlier the prayer for bail of this petitioner has
been rejected vide order dated 18.04.2023 passed in Cr.



Misc. No. 47085 of 2022 considering the case of the petitioner on merit.

Learned senior counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case. He further submits that from perusal of the F.I.R., it appears that there is no eye witness to the alleged occurrence and merely on the basis of suspicion and circumstantial evidence, this petitioner has been implicated in this case. Moreover, similarly situated co-accused, Golu Chaudhary and Kamlesh Sahani have already been granted bail by a co-ordinate Bench of this Court vide order dated 12.07.2023 and 08.09.2023 passed in Cr. Misc. No. 36740 of 2023 and Cr. Misc. No. 60542 of 2023, respectively. Save and except the confessional statement of the petitioner, no cogent material has surfaced during course of investigation suggesting the involvement of the petitioner in the alleged occurrence. The petitioner is rotting in judicial custody since 29.04.2022.

A report with regard to present stage of the trial has been called for by this Court vide order dated 03.11.2023 which has been received and forms part of this



application at Flag-A. On perusal thereof, it would reveal that out of six charge sheet witnesses, only three witnesses have been examined as yet.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 29.04.2022 i.e more than one and half year.

Considering the facts and circumstances of the case and the present stage of the trial as well as period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional District and Sessions Judge, Bettiah, West Champaran in connection with S.Tr. No. 397 of 2022 arising out of Narkatiaganj Rail P.S. Case No. 34 of 2022 with 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 and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be



canceled 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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