

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.75003 of 2022

Arising Out of PS. Case No.-50 Year-2022 Thana- MOTIPUR District- Muzaffarpur

Umesh Roy Son of Ram Krit Roy Resident of Village - Mahna, P.S.- Motipur,
District - Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Adv. Mr. Ravi Ranjan, Adv.
For the Opposite Party/s	:	Mr. Binod Kumar, 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.Tr. No. 780 of 2022 arising out of Motipur P.S. Case No. 50 of 2022 registered for the offences punishable under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

As per the prosecution, few days ago father-in-law of the informant (now deceased) had sold his land and paid the debt to the petitioner and co-accused Mira Devi but Mira Devi



was demanding more money and threatened the deceased of dire consequences and on the alleged night of the occurrence two accused persons entered into the house of informant and fired at the deceased as a result of which he died.

The main submissions advanced by learned senior counsel Mr. Krishna Pd. Singh appearing for the petitioner are that the petitioner earlier preferred Cr. Misc. No. 34080 of 2022 which was rejected by this Court giving a liberty to him to renew his bail prayer after framing of the charge and now the charges have been framed upon him vide Annexure -3 by trial Court on 18.11.2022 and as per the allegation made in the FIR the petitioner is not alleged to be the main assailant and on the body of the deceased only one firearm injury was found which was attributed against the co-accused and the petitioner has fair and clean antecedent and languishing in jail since 07.02.2022 and after framing of the charge no progress has been made in the trial of the petitioner which shows the prosecution's lingering attitude to complete the trial of the petitioner.

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

Considering the above submissions and mainly taking into account the fact that upon the petitioner the charges have



been framed and as per the above submission the prosecution is very slow in producing the witnesses in the trial of the petitioner and the petitioner is not alleged to be the main assailant and he has fair and clean antecedent, 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.Tr. No. 780 of 2022 arising out of Motipur P.S. Case No. 50 of 2022, on 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 below and shall remain physically present as directed by the Court below and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled 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.

(3) One of the bailers shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.



(4) The court below will verify the criminal antecedent of the petitioner but acceptance of bail bond will not be delayed on account of process of verification of the said criminal antecedent. If any criminal antecedent of the petitioner is found then the court below shall take serious action against him for cancellation of his bail bond.

(Shailendra Singh, J)

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