

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74760 of 2023**

Arising Out of PS. Case No.-191 Year-2016 Thana- ATRI District- Gaya

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SAURAV KUMAR SON OF LAL PRASAD SINGH @ LALAN SINGH
RESIDENT OF VILLAGE CHEYA P.S. ATRI, DISTRICT- GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs. Soni Shrivastava, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

2 10-11-2023 Heard Mrs. Soni Shrivastava, learned Counsel for the

petitioner and learned APP for the State.

The petitioner is in custody in connection with Atri
P.S. Case No. 191 of 2016 arising out of S.Tr. No. 112 of 2022
for the offence under Sections 302, 201, 120(B) and 34 of the
Indian Penal Code lodged on 12.09.2016 by the informant,
Bindeshwar Prasad Yadav.

As per the prosecution story, the informant alleged
that when he was on bank duty, received information that a dead
body is lying on the shore. He proceeded to the place of
occurrence and found the dead body. At the spot, one unknown
person gave the physical description of the dead body and stated
that there was swelling on the neck cut on chin and bleeding
from left ear. Accordingly, the FIR.



Earlier, the case of the petitioner was taken up on 06.09.2022 alongwith his brother Gaurav Kumar and rejected taking into account that the fact that the matter is/was of 2016 and they evaded arrest for five years.

Subsequently, one of the brother Gaurav Kumar preferred Cr. Misc. No. 45925 of 2023 in which a report was called for and after taking note of the report vide letter no. 1156 dated 16.08.2023 according to which out of 11 charge-sheet witnesses, only three witnesses have been examined till the passing of the order and further taking into account that he has remained in custody for two years, bail was extended to him.

Now, the other brother is before this Court in present case.

Learned Counsel for the petitioner submits that the trial is on the same stage inasmuch as till today, only three witnesses have been examined and further he do not have criminal antecedent and is ready to abide by all the terms and conditions, if granted relief.

Learned APP for the State, on the other hand, opposes the prayer for bail.

Considering the aforesaid fact as also that since one of the brother, Gaurav Kumar has been extended the privilege of



bail as also the fact that he do not have criminal antecedent and has also remained in custody for two years (27.06.2021), this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousands only) with two sureties of like amount each to the satisfaction of the learned Additional Sessions Judge 1st, Gaya in connection with Atri P.S. Case No. 191 of 2016 giving rise to S.Tr. No. 112 of 2022, subject to the following conditions-:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;



(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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