

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77218 of 2023

Arising Out of PS. Case No.-175 Year-2021 Thana- CHERIYA BARIYARPUR District-
Begusarai

=====

SANTOSH KUMAR @ MUNNA @ SANTOSH KUMAR SHARMA son of
Ram Chandra Sharma Village- Karor Khanjahanpur w.No-16, P.S- Cheriya
Bariyarpur Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar, Adv.

For the Opposite Party/s : Mr. Jagdhar Prasad, APP

=====

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 22-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Cheriya Bariyarpur P.S. Case No. 175 of 2021, lodged on
28.08.2021 under Sections 302/34 of the Indian Penal Code.

3. Learned counsel for the petitioner submits that the
bail application of the petitioner was rejected *vide* order dated
17.08.2022 passed in Cr. Misc. No. 22289 of 2022. Counsel also
submits that at the time of rejection of the bail application of the
petitioner, liberty was granted to him that he may renew his
prayer for bail after one year of framing of charge. Counsel
further submits that he has pleaded specifically in paragraph 7
of the bail petition that charge has been framed on 06.09.2022,



but even then, the trial has not been concluded.

4. Learned counsel for the petitioner submits that the petitioner is in custody since 20.12.2021.

5. Learned APP for the State opposes the prayer for bail of the petitioner and submits that status report has been called for and upon perusal of the status report, it transpires that not a single witness have been examined and one year has already been lapsed.

6. In the present facts and circumstances of this case and the submissions made above, let the petitioner above named, be granted bail on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M., Manjhaul, Begusarai in connection with Cheriya Bariyarpur P.S. Case No. 175 of 2021, subject to the conditions as laid down U/s 437(3) Cr.P.C. as well as 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



bonds 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 evidence, failing which the State shall be at liberty to take steps for cancellation of the bail bonds; and

(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 the bail bonds.

(Dr. Anshuman, J.)

Divyansh/-

U		T	
---	--	---	--

