

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78699 of 2023

Arising Out of PS. Case No.-490 Year-2021 Thana- JOGAPATTI District- West Champaran

BIRU KUMAR S/O MADAN MUKHIYA VILLAGE- JHANJHARI, PS.
INARWA, DIST. WEST CHAMPARAN. 845438.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Umesh Kumar Gupta, Adv
For the Opposite Party/s : Mr. Jagadhar Prasad, APP

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 02-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
S.T. No. 13 of 2022 arising out of Jogapatti (Sanichari) P.S.
Case No. 490 of 2021 registered on 13.11.2021 lodged under
Sections 399 and 402 of the I.P.C. which has been rejected vide
order dated 08.12.2022 in Cr. Misc. No. 46518 of 2022.

3. Counsel further submits that at the time of rejecting
the earlier bail application, this Court had granted liberty to the
petitioner that he may renew his prayer for bail six months after
framing of charge and it was directed to the trial Court to



conclude the trial as early as possible.

4. Counsel for the petitioner submits that the charge has been framed in this case against the petitioner on 06.02.2023 and six months has already been completed. Counsel further submits that the petitioner is in custody since 12.11.2021. Moreover, he has eight criminal cases pending against him

5. Counsel for the State opposes the prayer for bail and submits that at the time of granting bail antecedents shall also be taken into consideration.

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 Additional District and Sessions Judge, IV, Bettiah, West Champaran in connection with S.T. No. 13 of 2022 arising out of Jogapatti (Sanichari) P.S. Case No. 490 of 2021, subject to the following conditions as well as the conditions laid down under Section 437 (3) of the Cr.P.C.

(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.

Trial Court is directed to verify that petitioner is not absconding in any of the following cases which is written in Paragraph 3 of the writ petition.

- *Valmiki Nagar P.S. Case No. 61 of 2020.*
- *Bagha P.S. Case No. 11 of 2021.*
- *Bagha (Patkhuli) P.S. Case No. 218 of 2021.*
- *Valmiki Nagar P.S. Case No. 48 of 2021.*
- *Semra (Chiutaha) P.S. Case No. 95 of 2021*
- *Semra P.S. Case No.101 of 2021*
- *Bahiroganj P.S. Case No. 49 of 2021*
- *Bagha P.S. Case No. 518 of 2021*



7. With this observation, the bail application stands
allowed.

(Dr. Anshuman, J)

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