

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7176 of 2024

Arising Out of PS. Case No.-113 Year-2020 Thana- CHANDRADIP District- Jamui

BABLU KUMAR @ BABLU YADAV S/O NEPALI YADAV R/O
VILLAGE- ISLAM NAGAR, P.S- CHANDRADEEP, DISTT.- JAMUI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rama Kant Sharma, Sr. adv. Mr. Ravi Ranjan Kumar, Adv.
For the Opposite Party/s	:	Mr. Suresh Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 16-02-2024 1. Heard Mr. Rama Kant Sharma, learned senior counsel for the petitioner and learned APP for the State.
2. Petitioner seeks regular bail in connection with Chandradeep P.S. Case No. 113/ 2020 dated 19.08.2020 registered for the offence(s) punishable under Section(s) 341, 307 read with section 34 of the Indian Penal Code and under Section 27 of Arms Act.
3. The main submissions advanced by learned counsel for the petitioner are that this is the second attempt of the petitioner for the relief of regular bail after the petitioner's earlier attempt for the same relief was rejected by this court vide order dated 30.11.2022 passed in Cr. Misc. No. 39405/ 2022, preferred by this petitioner, giving a liberty to the petitioner to



renew his bail prayer after examination of the informant in his trial or after one year from the date of that order, if no significant progress is made in his trial by the prosecution and now the petitioner has come again for the relief of bail in the light of the said liberty as till date the informant has not been examined despite the lapse of period of one year and in this regard, order impugned may be perused and even no further progress has been made in the petitioner's trial which shows the prosecution's lingering attitude in the trial of the petitioner. Further submissions are that the petitioner has been languishing in jail since 04.04.2022 though against him there are eight criminal antecedents in which he is on bail.

4. Learned APP appearing for the State opposes the bail prayer.

5. Heard both the sides. Though there is a serious allegation against the petitioner but prosecution is very careless in producing and examining the prosecution witnesses, particularly the informant who is a material witness, did not turn up for recording his evidence despite having been given a period of one year to produce and examine him which shows prosecution's lingering attitude in concluding the petitioner's trial and the petitioner has been languishing in jail since



04.04.2022, in my opinion, in the said circumstance, now the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be released on bail in connection with Chandradeep P.S. Case No. 113 of 2020 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 on the following conditions:-

(i) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.

(ii) If the petitioner tampers with the evidence or the witnesses, then the prosecution will be at liberty to move for cancellation of bail, before the trial court.

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

(Shailendra Singh, J)

BKS/-

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

