

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10452 of 2024

Arising Out of PS. Case No.-113 Year-2022 Thana- BALRAMPUR District- Katihar

Md. Arshad Son of Md. Kasim Resident Of Village- Kol Tola, Baluganj, P.S-
Balrampur, Distt- Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr.Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 16-02-2024 1. Heard learned counsel for the Petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Balrampur P.S. Case No. 113 of 2022, dated 24.06.2022
registered for the offences punishable under Sections 302, 201,
120B/34 of the Indian Penal Code.

3. The main submissions advanced by learned
counsel for the petitioner are that the petitioner earlier
approached to this Court for the relief of regular bail which was
rejected by this Court vide order dated 15.02.2023 passed in Cr.
Misc. No. 60918 of 2022 and he has come again for the same
relief mainly on the grounds of change of stage of his case, the
examination of five prosecution witnesses and his incarceration
period. Further submissions are that after the rejection of



petitioner's earlier prayer, five prosecution witnesses have been examined and only official persons remain to be examined in the trial of the petitioner and depositions' copy of the said non-official witnesses have been filed along with this petition as *Annexure-3* series which clearly go to show that all these witnesses did not make any direct allegation against the petitioner, who has got no criminal antecedent and has been languishing in jail since 07.07.2022. Further submissions are that the petitioner is not named in the FIR and there is no eye-witness of the alleged murder and he has been made accused mainly on the basis of electronic evidence.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions and mainly petitioner's incarceration period and also the fact that in the trial of the petitioner, all non-official witnesses of the prosecution have been examined whose depositions' copy have been filed, which show that there is no direct allegation against the petitioner and he has been languishing in jail since 07.07.2022, having no criminal antecedent, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above 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 concerned Court in connection with Balrampur P.S. Case No. 113 of 2022.

(Shailendra Singh, J)

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