

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12110 of 2024

Arising Out of PS. Case No.-55 Year-2021 Thana- KHAGARIA District- Khagaria

Md. Suja Awar @ Suja Anwar S/o Md. Anwar R/o Vill - Jalkaura, P.S. -
Khagaria (Gangaur), Dist. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Kumar Giri, Adv.

For the Opposite Party/s : Mr. Parmanand Prasad, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Khagaria (Gangaur) P.S. Case No. 55 of 2021, registered on 13.01.2021 for the alleged offence under Sections 302, 394 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, co-accused Kishore Chaudhary and other miscreants under some conspiracy shot dead the husband of the informant. During investigation the name of the petitioner surfaced for being involved in the conspiracy along with other co-accused persons.

4. Learned counsel appearing on behalf of the petitioner submits that this is the second attempt of the

petitioner to seek bail from this Court as his prayer for bail was rejected earlier vide order dated 13.07.2022 passed in Cr. Misc. No. 51213 of 2021. While rejecting his prayer for bail, this Court directed for conclusion of trial within a year, but the trial has not been concluded and only one witness has been examined so far before the trial court. Learned counsel further submits that except for suspicion, there is nothing against the petitioner and his confessional statement before the police has got no legal sanctity.

5. Learned A.P.P. appearing for the State opposes the submission made on behalf of the petitioner. Learned APP submits that no fresh ground has come up for reconsideration of prayer for bail of the petitioner. The petitioner was apprehended on the basis of tower location and a printer looted from the husband of the informant was recovered from this petitioner.

6. Having regard to the facts and circumstances of the case and submissions made on behalf of the parties and considering the dis-likelihood of the trial concluding in near future and further considering the period of custody of this petitioner, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of

learned Additional District & Sessions Judge-III, Khagaria in connection with Khagaria (Gangaur) P.S. Case No. 55 of 2021, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bonds of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

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