

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18043 of 2024

Arising Out of PS. Case No.-66 Year-2022 Thana- EAST COLONY District- Munger

Shailesh Kumar Sharma @ Tunna Sharma Ashok Prasad Sharma @ Ashok Kumar Sharma Village- Naya Gaon Baddipara P.O.- Jamalpur P.S.- East Colony Dist- Munger

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pawan Kumar Singh, Adv.

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

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 26-04-2024 1. Heard learned counsel for the Petitioner and learned APP for the State.

2. Petitioner seeks regular bail in connection with East Colony P.S. Case No. 66 of 2022, dated 24.08.2022 registered for the offences punishable under Section 414 of the Indian Penal Code and Sections 25(1-A), 25(1-AA), 25(1-b)AC, 26(i)(ii) and 35 of the Arms Act.

3. Mr. Pawan Kumar Singh, learned counsel appearing for the petitioner submits that the petitioner earlier preferred Cr. Misc. No. 47657 of 2023 for the relief of regular bail which was rejected by this Bench vide order dated 02.08.2023 with a liberty given to the petitioner to renew his prayer for bail after six months if his trial is not concluded within the said period and he has again come for the relief of bail mainly in the light of the said liberty. Learned counsel



further submits that the petitioner has been languishing in jail since 25.08.2023 and during trial till date his conduct remained co-operative before the trial court though one co-accused has absconded after getting bail but on account of this wrong committed by co-accused, the petitioner should not be made to suffer and he will co-operate in the trial after his release. It is further submitted that out of five chargesheet witnesses, only three witnesses have been examined and chief-examination of fourth witness has been done which shows that the petitioner's trial is not going to conclude in near future.

4. While opposing the prayer for bail of the petitioner Mr. Suresh Prasad Singh, learned APP appearing for the State submits that the petitioner may be directed to make his attendance once in every week at the P.S. concerned during trial period if his prayer is considered.

5. Considering the above submissions and mainly taking into account the petitioner's custody period and also stage of his case, this Court is now inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing of 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 East



Colony P.S. Case No. 66 of 2022 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, in that case the prosecution will be at liberty to move for cancellation of his bail.

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

(iv) The petitioner is directed to make his attendance every week at the police station concerned in which jurisdiction he presently resides and the trial court shall call for his attendance report from the police station, if the petitioner violates this condition or does not co-operate in the trial, then the trial court shall cancel his bail bond and take him into custody again.

(Shailendra Singh, J)

maynaz/-

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

