

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34248 of 2024

Arising Out of PS. Case No.-4 Year-2021 Thana- UPHARA District- Aurangabad

Shankar Kumar son of Rajdeo Mistri Resident of Village- Uphara, P.S.-
Uphara, Dist.- Aurangabad, PIN-824203

... .. Petitioner/s

Versus

1. The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashutosh Singh, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-06-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. The petitioner has preferred this application for
grant of regular bail in connection with Sessions Trial no. 71 of
2022/701 of 2024 (arising out of Uphara P.S. Case no. 4 of
2021) registered under sections 307, 363, 365, 458 and 323 of
the Indian Penal Code to which sections 302 and 34 of the
Indian Penal Code were added subsequently.

3. As per the prosecution case, the informant states
that on waking up in the morning, he found his mother in an
unconscious and injured state and his sister's son (bhagina) was
missing.

4. Learned counsel for the petitioner submits that



earlier prayer for bail was rejected vide order dated 12.1.2023 passed in Cr. Misc. no. 23606 of 2022. It is submitted that no incriminating article was recovered from petitioner's possession. In spite of the petitioner being in custody since 13.11.2021, not having any criminal antecedent and cooperating in the trial, there is no progress in the trial what-so-ever.

5. The application for bail is opposed by learned APP for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 18.5.2024 out of eleven charge-sheet witnesses, only two witnesses have been examined on behalf of the prosecution, the last being on 23.8.2022. In spite of issuance of bailable warrants of arrest and repeated directions, no witness is being produced by the prosecution.

7. Having heard learned counsel for the parties and having perused the material on record, taking into consideration the petitioner having remained in custody since 13.11.2021 and no witness being produced on behalf of the prosecution since 23.8.2022 in spite of issuance of bailable warrant, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 71 of 2022/701 of 2024 (arising out of Uphara P.S.



Case no. 4 of 2021), on furnishing bail bond of Rs. 10,000/-
(Rupees Ten Thousand) with two sureties of the like amount
each to the satisfaction of the learned Additional District &
Sessions Judge- III, Aurangabad.

(Partha Sarthy, J)

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