

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37063 of 2024

Arising Out of PS. Case No.-69 Year-2019 Thana- MOHIUDDIN NAGAR District-
Samastipur

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Vishnu Kant Rai @ Bishnu Kant Rai Son of Late Baso Rai @ Basudeo Ray
Resident of Village - Kurshaha, Police Station - Mohiuddin Nagar, District -
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amit Kumar, Advocate

For the Opposite Party/s : Mr. Umanath Mishra, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Mohiuddin Nagar P.S. Case No.69 of 2019 registered under sections 302, 201, 363 and 34 of the Indian Penal Code.

3. As per the prosecution case, the daughter of the informant who was married to the petitioner was killed and her body disposed of.

4. It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 5.1.2021 (Annexure-1) passed in Cr. Misc. no. 29825 of 2020. In spite of the petitioner being in custody since 19.7.2019, the trial has still not concluded. The



petitioner undertakes to cooperate in the trial and to abide by the conditions laid by this Court for his release on bail. It is lastly submitted that out of the six witnesses examined, four have been declared hostile and even the other witnesses are not the eye witnesses to the occurrence.

5. Heard learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per report received contained in letter dated 23.7.2024 of the Additional District and Sessions Judge-IV, Samastipur, six witnesses have been examined on behalf of the prosecution, however, two witnesses and the Investigating Officer still remain to be examined. It further transpires from the report that bailable warrant have been issued against non-examined prosecution witnesses and the same has been sent to the SHO of the Police Station and the Superintendent of Police, Samastipur to produce the non-examined prosecution witnesses.

8. Having heard learned counsel for the parties and taking into consideration that four witnesses on behalf of prosecution have been declared hostile, bailable warrants have been issued for appearance of the remaining witnesses and specially the petitioner having remained in custody for 5 years since 19.7.2019, the Court directs the petitioner to be enlarged



on bail in connection with Mohiuddin Nagar P.S. Case No.69 of 2019 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 and Sessions Judge-IV, Samastipur on the following conditions:

(1) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(2) In case the petitioner is absent on any date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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