

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36512 of 2024

Arising Out of PS. Case No.-711 Year-2021 Thana- ARA NAGAR District- Bhojpur

Bitesh Kumar @ Chhangur @ Bhola Son of Birendra Yadav Resident of
Village - Karman Tola, P.S.- Ara Nawada, District - Bhojpur.... ... Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey, Advocate
For the Opposite Party/s : Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 09-08-2024 Heard Mr.Aditya Nath Pandey learned counsel for

the petitioner and Mr.Bhanu Pratap Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
09.10.2021 in connection with S.Tr.No.419 of 2023 (arising out
of Ara Town (Nagar) P.S. Case No. 711 of 2021), F.I.R. dated
07.10.2021 registered for the offence punishable under Sections
394 and 302 of IPC.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 25.04.2023 passed in
Cr.Misc.No.68835 of 2022.

4. Learned counsel appearing for the petitioner
submits that the petitioner has clean antecedent and he has
falsely been implicated in the present case. Further submits that
although there is specific allegation against the petitioner and



apart from that, on the basis of the confessional statement of the petitioner, a knife, which was used in the crime in question, was recovered and as per information, the charge has been framed against the petitioner but the trial is not in progress.

5. Vide order dated 21.06.2024 a report was called for with regard to the present status of the trial. Report of the learned Trial Court dated 04.07.2024 reveals that the charge has been framed against the petitioner on 18.06.2024 but despite of best efforts the prosecution has not examined any witness as yet.

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

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 09.10.2021.

8. Considering the report of the learned Trial Court and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned District and Sessions Judge, Bhojpur, Ara in connection with S.Tr.No.419 of 2023 (arising out of Ara Town (Nagar) P.S. Case No. 711 of 2021), with the following



conditions:-

(I) One of the bailors should be the father of the petitioner, namely, Birendra Yadav.

(II) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be cancelled by the Court below.

(III) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(IV) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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