

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37518 of 2024

Arising Out of PS. Case No.-180 Year-2022 Thana- THAKURGANJ District- Kishanganj

Md. Mokim Son of Md. Alam @ Alam Resident of village - Bairiagachh,
P.S.- Thakurganj, District - Kishanganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Advocate
For the State : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 19-07-2024 Heard Mrs. Vaishnavi Singh, learned counsel for the

petitioner and Mr. Arun Kumar Singh, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
24.10.2022, in connection with Sessions Trial No. 66 of 2023
arising out of Thakurganj P.S. Case No. 180 of 2022, FIR dated
23.10.2022, registered for the offence under Sections 302,
120(B) and 34 of the Indian Penal Code in which the charges
have been framed under Section 302 of the Indian Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 22.08.2023 passed in Cr. Misc. No.
41855 of 2023.

4. Learned counsel appearing for the petitioner
submits that the petitioner, who is of clean antecedent, is



innocent and has falsely been implicated in this case. She further submits that due to admitted land dispute the present occurrence has taken place. She further submits that the petitioner is in judicial custody since 24.10.2022 but there is no progress in the trial although the charge has been framed against the petitioner long back on 09.05.2023 itself.

5. Vide order dated 21.06.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 08.07.2024 reveals that out of nine witnesses, only one witness has been examined.

6. learned A.P.P. for the State 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 there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 24.10.2022.

8. Considering the facts and circumstances of the case, let the, above named, petitioner 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 Additional District and Sessions Judge-III, Kishanganj in connection with Sessions Trial No.66 of 2023 arising out of



Thakurganj P.S. Case No. 180 of 2022 with the following conditions:-

(i) 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 canceled by the Court below.

(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 bail.

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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