

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2736 of 2024

Arising Out of PS. Case No.-93 Year-2020 Thana- JAGDISHPUR District- Bhagalpur

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Md. Putush @ Md. Mojamil S/o Md. Noor R/o Village- Badey Dharpur, P.S.-
Goradih, District-Bhagalpur

... .. Appellant/s

Versus

1. The State of Bihar
2. Ashok Mandal S/o Sukhdeo Das R/o Village- Badey Dharpur, P.S.-
Jagdishpur, District-Bhagalpur

... .. Respondent/s

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Appearance :

For the Appellant/s : Mr.Braj Nandan Kumar Tiwary
For the Respondent/s : Mr.Usha Kumari 1

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CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

3 26-07-2024 Heard learned counsel for the petitioner and

learned A.P.P appearing on behalf of the State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 302/34 of the Indian Penal Code, Section 27

of the Arms Act and Sections 3(2-v) of the SC/ST

(POA) Act.

Earlier the prayer for bail of the petitioner was

twice rejected vide orders dated 05.01.2021 and



03.11.2023 passed in Cr. Appeal (SJ) Nos. 1876 of 2020 and 3431 of 2021. In the earlier order dated 03.11.2023, while rejecting the prayer for bail of the petitioner, learned Trial Court was directed to expedite the trial and conclude the same within a period of six months.

In pursuance to the direction of this Court, a report with regard to the present stage of the trial has been received which has been kept at Flag-R. The report of learned Additional District & Sessions Judge-III-cum-Special Judge (SC & ST) Act, Bhagalpur dated 10.07.2024 suggests that two witnesses are yet to be examined and the trial is likely to be concluded within three months which suggests that there is no likelihood of the trial being concluded in near future.

It is submitted by learned counsel for the petitioner that petitioner is in custody since 13.03.2020 and he does not have any criminal antecedents.

Considering the fact that there is no likelihood



of the trial being concluded in near future and the period under custody, let the petitioner, above named, be released on bail on furnishing bail bonds of Rs. 10,000/-(Ten Thousands) with two sureties of the like amount each to the satisfaction of learned Additional District Judge-III-cum-Special Judge, SC/ST Act, Bhagalpur in connection with Jagdishpur P.S. Case No. 93 of 2020, subject to the conditions (i) that one of the bailors shall be close relative of the petitioner (ii) that the petitioner and the bailors shall execute bond with regard to good behaviour of the petitioner. The petitioner shall also give an undertaking to the Court that he shall not indulge in any criminal activity. Any violation of the terms and conditions of the bonds or the undertaking shall lead to cancellation of his bail bonds. (iii) that the petitioner shall cooperate in the case and be present before the Court on each and every date. Failure to cooperate or being absent on two consecutive dates, without sufficient cause, shall also



lead to cancellation of bail bonds of the petitioner.

Accordingly, the appeal stands allowed.

(Sunil Kumar Panwar, J)

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