

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48806 of 2024

Arising Out of PS. Case No.-193 Year-2022 Thana- BIHPUR District- Bhagalpur

Md. Rasul, Son of Md. Nasib, R/O- Fanhan Ujani Tola, P.S.- Udakishanganj,
Distt.- Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Adv.

For the Opposite Party/s : Ms. Rina Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 20-07-2024 Heard learned counsel for the petitioner and the
learned APP for the State.

2. The matter has been placed before this Court for consideration of the petitioner's bail prayer made under Section 439 of Cr.P.C.

3. Petitioner seeks regular bail in connection with Sessions Trial No. 805/2022 arising out of Bihpur (Bhawanipur O.P.) P.S. Case No. 193 of 2022 dated 18.04.2022 registered for the offences punishable under Sections 364, 120B read with Section 34 of the Indian Penal Code.

4. Mrs. Vaishnavi Singh, learned counsel for the petitioner submits that the petitioner earlier preferred Cr. Misc. No. 28388/2023 for the relief of regular bail which was rejected by this Court vide order dated 25.05.2023 with giving a



direction to the trial court to expedite and conclude the petitioner's trial in the next six months from the date of that order and the petitioner was allowed to renew his bail prayer if his trial is not concluded in the said six months period and accordingly, in the light of the said liberty, the petitioner has again come before this Court. Learned counsel further submits that after passing the earlier rejection order, the last remaining witness was examined on 25.07.2023 and thereafter, the prosecution filed a petition under section 216 of Cr.P.C. for alteration in the charges and that was accepted by the trial court and accordingly, the witnesses, who have been examined before are being called for further cross-examination which shows that a considerable period would happen in the final conclusion of the trial of the petitioner. Learned counsel further submits that the petitioner has been languishing in jail since 06.06.2022, more than two years.

5. Ms. Rina Sinha, learned APP appearing for the State has opposed the bail prayer.

6. Having regard to the above submissions and mainly taking into account the petitioner's custody period which has been more than two years and also, the fact that after examination of all prosecution witnesses, a petition under



section 216 of Cr.P.C. was filed by the prosecution before the trial court which was allowed which shows that all the witnesses, who had been examined before, are again required for cross-examination in the light of the amended charges, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned in connection with Sessions Trial No. 805/2022 arising out of Bihpur (Bhawanipur O.P.) P.S. Case No. 193 of 2022.

(Shailendra Singh, J)

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