

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58075 of 2023

Arising Out of PS. Case No.-10 Year-2021 Thana- LODIPUR District- Bhagalpur

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MD. YUSUF S/O MD. HASIM @ HASIM R/O- VILLAGE- USTU, P.S.-
LODIPUR, DIST.- BHAGALPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate
	:	Mr. Md. Najmul Hodda, Advocate
	:	Ms. Diksha Kumar, Advocate
	:	Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 3 05-01-2024 1. Heard the learned counsel for the petitioner and the learned APP for the State.
2. The present petition is by way of third attempt at the behest of the petitioner for grant of regular bail in connection with Lodipur PS case no. 10 of 2021, registered under Sections 302, 201, 120B of the Indian Penal Code, inasmuch as earlier, the prayers of the petitioner for grant of bail were rejected by this Court vide orders dated 26.04.2022 and 04.01.2023, passed in Cr. Misc. no. 48188 of 2021 and Cr. Misc. no. 75045 of 2022, respectively.
3. As per the first information report, the



petitioner had taken the deceased to market for purchasing on 10.01.2021 and her dead body was found lying in an open field on 11.01.2021 kept in a gunny bag.

4. Learned Senior counsel for the petitioner submits that petitioner has been made accused in this case on the basis of circumstantial evidence and suspicion. He further submits that this Court, vide its order dated 01.12.2023, had called for a report regarding progress of trial. The report has been received and it is stated that approximately six months' time is likely to be consumed in completion of trial. He also submits that the petitioner is in custody since 01.03.2021 i.e. about 02 years and 10 months.

5. On the other hand, learned counsel for the informant vehemently opposed the prayer for bail and submits that the bail application of the petitioner was earlier rejected on merits and now, the petitioner has approached this Court but not with any fresh ground for re-consideration of his bail application. He further submits that the petitioner was seen in CCTV footage along with his jute bag kept on his motorcycle and in close proximity of time, the dead body of the deceased was found lying in a



field kept in the jute bag. He also submits that in pursuance to the order of this Court dated 01.12.2023, learned Additional Sessions Judge-VIII, Bhagalpur has furnished the report vide letter dated 06.12.2023, from perusal of which, it appears that out of 13 charge-sheeted witnesses. 06 witnesses have been examined and cross-examined and 07 witnesses are yet to be examined and petitioner is in custody since 01.03.2021.

6. Regard being had to the submissions made by the parties and taking into consideration the period of incarceration of the petitioner and the fact that there is no likelihood of tampering with the evidence or of absconding the petitioner, I deem it fit and appropriate to admit the petitioner to the privilege of bail.

7. Accordingly, the abovenamed petitioner is directed to be released on regular bail on furnishing bail bond of Rs. 10,000/- (Rs. Ten thousand) with two sureties of the like amount each to the satisfaction of learned court of 8th Additional District & Sessions Judge, Bhagalpur/ concerned court in connection with Lodipur PS case no. 10 of 2021. It is further directed that the petitioner shall appear



before the learned trial court on each and every date so fixed by the trial court and in default of two consecutive appearances, the present privilege of regular bail shall liable to be cancelled.

(Anil Kumar Sinha, J)

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