

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59616 of 2023

Arising Out of PS. Case No.-678 Year-2019 Thana- ARARIA District- Araria

MD. TABREJ @ TABREJ SON OF MAJIUDDIN @ MAJUDDIN
RESIDENT OF VILLAGE- CHIRAH, WARD NO. 03, PS- JOKIHAT,
(MAHALGAON), DISTT- ARARIA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ram Priya Sharan Singh, Adv.

For the Opposite Party/s : Mr.Narsingh Tanti, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 08-07-2024 1. At the outset, learned counsel for the petitioner seeks permission to file hard copy of the supplementary affidavit.
2. Permission is granted.
3. Let the supplementary affidavit be kept on record.
4. Heard the parties.
5. Petitioner seeks regular bail in connection with Araria (Bairgachhi) P.S. Case No.678/ 2019 dated 18.08.2019 registered for the offence(s) punishable under Section(s) 366 of the Indian Penal Code.
6. Mr. Ram Priya Sharan Singh, learned counsel for the petitioner submits that petitioner earlier approached this court for the relief of regular bail by way of filing Cr. Misc. No.



43386/ 2022 which was rejected by this court vide order dated 23.11.2022 and thereafter the petitioner has again come for the relief of bail mainly on the grounds of his long incarceration period and no direct evidence against him from the prosecution's witnesses examined till date. It is further submitted that petitioner has got no criminal antecedent and till date three prosecution's witnesses have been examined out of them PW 1, informant, did not claim herself to be an eye witness of the occurrence and she made vague allegation against this petitioner on the basis of suspicion and petitioner has no kind of relation with the in-laws of the daughter of informant. Though, PW 2 claimed to have seen the occurrence but PW 3 (brother of the victim Yasmin) who also claimed to have seen the victim Yasmin coming from the court after attending the court's date deposed that he saw only Bilal sitting at the relevant place of occurrence and the said contradiction itself is sufficient to create serious doubt in the allegations levelled against this petitioner by the informant and PW 2. It is further submitted that petitioner has been languishing in jail since 23.05.2022 and he has got no criminal antecedent and the last prosecution's witness was examined on 19.09.2023 and thereafter no prosecution's witness has turned up.



7. Mr. Narsingh Tanti, learned APP appearing for the State opposes the bail prayer.

8. Heard both sides. Though there is serious allegation against this petitioner as per F.I.R. but considering his custody period and slowness of the prosecution in producing the witnesses and also the serious contradictions in between the statements of PW 2 and PW 3, as pointed out by the petitioner's counsel, discussed above, coupled with the petitioner's fair and clean antecedent, this court is now inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be released on bail in connection with Araria (Bairgachhi) P.S. Case No.678/ 2019 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.

(Shailendra Singh, J)

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