

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63811 of 2023

Arising Out of PS. Case No.-233 Year-2018 Thana- KHODAWANDPUR District- Begusarai

Md. Lal Babu @ Lal Babu S/O Late Md. Islamul @ Md. Isamul @ Md. Ishamul Haque R/O Village- Bakari, Ward No. 11, Ps. Khodawandpur (CHHAURAH I Op), Dist. Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Kumar Binode Bariar

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

6 09-02-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in a case registered for the offence punishable under Sections 302/34 of the Indian Penal Code.

3. Vide order dated 12.01.2024, a report was called for, regarding the stage of trial. In compliance thereof, a report has been sent by learned Additional District and Sessions Judge, Manjhaul, Begusarai, kept at flag-A whereby is it submitted that out of 10 witnesses, 7 witnesses have been examined and 3 witnesses are yet to be examined and date is fixed on 23.01.2024.

4. This is the third attempt of the petitioner for grant



of regular bail. Earlier the bail was rejected twice by this Court vide order dated 02.03.2022 passed in Cr. Misc. No. 61991 of 2021 and vide order dated 21.09.2022 passed in Cr. Misc. No. 42018 of 2022, with a direction to the Trial Court to conclude the trial as expeditiously as possible.

5. As per the prosecution case, Informant is the grandson of deceased, who in his *fardbeyan* has stated that there was property dispute between him and one Md. Khurshid @ Md. Khurshid Alam, who wanted that deceased Amina Khatoon to transfer her share in the house in his favour, for which he used to put pressure upon his grandmother. On 26.10.2018 at about 7:00 A.M. accused Md. Khurshid Alam, Md. Siddik and Md. Lal Babu (petitioner) came on two motorcycles and took away his grandmother forcibly and after two hours he received information that his grandmother is lying in injured condition at a lonely place in between Nawalpur and Khodawandpur. Thereafter, he along with his family members went there and found his grandmother was lying on the ground in injured condition.

6. Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. He is quite innocent and has been falsely implicated in this case. He



submits that the petitioner has no criminal antecedent and has been languishing in custody since 07.09.2019 about 4 years and 5 months and other co-accused have been granted regular bail by a Co-ordinate Bench of this Court vide order dated 19.05.2021 passed in Cr. Misc No. 23901 of 2021 and vide order dated 07.01.2022 passed in Cr. Misc. No. 46039 of 2021.

7. Learned APP for the State opposed the bail petition.

8. Considering the facts aforesaid and the period of the custody, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Khodawandpur P.S. Case No. 233 of 2018, subject to the following conditions :

(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present



in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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