

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70219 of 2023

Arising Out of PS. Case No.-88 Year-2020 Thana- DURAULI District- Siwan

SALEM @ SATYENDRA BIN, SON OF LATE SAKHI CHAND BIN @
SAKHICHAN BIN, RESIDENT OF VILLAGE - BALAHUN TOLA TARI,
P.S. - DARAULI, DISTRICT - SIWAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Dhananjay Kumar Shahi, Advocate
For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 19-01-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Durauli P.S. Case no. 88 of 2020, registered under sections 302 and 120B of the Indian Penal Code.

3. The earlier application for bail of the petitioner was rejected vide order dated 17.1.2023 (Annexure-2) passed in Cr. Misc. no. 35688 of 2022.

4. As per the prosecution case, the informant who is a *chaukidar* states that the accused persons stabbed the wife of one Manager Singh with sharp cutting weapons seriously injuring her. She subsequently died on being taken to the hospital.

5. It is submitted by learned counsel for the petitioner



that the FIR was registered against unknown. The petitioner has been falsely implicated in the case in course of investigation and the prosecution is mainly relying on the confessional statement of the petitioner himself. He is in custody since 6.5.2020 and though the trial has commenced, however after one witness, neither any official nor unofficial witnesses are appearing. The petitioner undertakes to cooperate in the trial.

6. The application for bail is opposed by learned APP for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 2.1.2024, one witness has been examined on behalf of the prosecution and bailable and non-bailable warrants have been issued for appearance of the remaining witnesses including the official witnesses.

8. Having heard learned counsel for the parties and taking into consideration the allegations as levelled in the FIR, the contents of the report received from the learned trial Court and the petitioner having remained in custody for more than 3 years 8 months since 6.5.2020, the petitioner is directed to be enlarged on bail in connection with Durauli P.S. Case no. 88 of 2020, on furnishing bail bond of Rs.10,000/- (Rupees Ten



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge-I, Siwan.

(Partha Sarthy, J)

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