

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.77456 of 2023

Arising Out of PS. Case No.-163 Year-2022 Thana- ISMAILPUR District- Bhagalpur

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BINDESHWARI KAPRI SON OF LATE KALLAR KAPRI R/O OF
VILLAGE- CHHOTI PARBATA, P.S.- ISMAILPUR, DISTRICT-
BHAGALPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Singh, Advocate
For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-01-2024 Heard the parties.

2. The petitioner is in custody in connection with Ismailpur P.S. Case No. 163 of 2022 for the offence under Sections 363, 364, 365 and 34 of the Indian Penal Code and subsequently added section 302 of the Indian Penal Code lodged on 12.12.2022 by the informant, Soni Devi.

3. As per the prosecution story, the lady has alleged that while returning home, her husband disappeared. She further alleged that earlier her son was killed for which Ismailpur P.S. Case No. 30 of 2020 was registered and the accused persons were extending threat not to pursue with that trial and as such she has strong suspicion that this petitioner killed her husband. Accordingly, the F.I.R.



4. Earlier the case of the petitioner was heard and rejected vide order dated 21.07.2023 passed in Cr. Misc. No. 41194 of 2023.

5. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide letter no. 91 dated 30.11.2023 according to which it has been informed that the charges have been framed on 15.09.2023 and the summons have been issued for the recording of evidence.

6. Taking into account that the petitioner is in custody since 31.12.2022 (as stated in paragraph 15 of the petition) as also the fact that there is no likelihood of conclusion of trial in near future, this Court is inclined to extend him privilege of bail.

7. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned 3rd Additional Sessions Judge Naugachia, District-Bhagalpur in connection with Ismailpur P.S. Case No. 163 of 2022 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his bona fide;



(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

8. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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