

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80756 of 2023

Arising Out of PS. Case No.-175 Year-2022 Thana- KOILWAR District- Bhojpur

Avinash Singh @ Jaicky Son of Late Bhupendra Singh R/o vill - Gidha, P.S. -
Gidha, O.P., Koilwar, Dist. - Bhojpur

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Rakesh Kumar, Advocate Mr. Siddharth Alok, Advocate
For the Opposite Party/s	:	Mr. Akshay Lal Pandit, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-01-2024 Heard Mr. Krishna Pd. Singh, learned senior
counsel for the petitioner and Mr. Akshay Lal Pandit, learned
Additional Public Prosecutor for the State.

2. Petitioner seeks bail who is in custody since
02.06.2022 in connection with Koilwar (Gidha) P.S. Case No.
175 of 2022, F.I.R. dated 15.03.2022 for the offences
punishable under Sections 304(B)/34 of the Indian Penal Code.

3. Earlier the bail application of the petitioner has
been rejected vide order dated 22.03.2023 passed in Cr. Misc.
No. 60603 of 2022.

4. Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the



petitioner is the husband of the deceased. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offences as alleged in the F.I.R. and from the F.I.R it appears that the petitioner has participated in the treatment of the deceased. The petitioner is in custody since 02.06.2022.

5. Vide order dated 15.12.2023 a report was called with regard to the stage of the trial. Report of the learned Trial Court dated 20.12.2023 reveals that the charge has already been framed against the petitioner on 28.06.2023 but the prosecution had not produced any witnesses as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court the trial is not likely to be concluded in the near future and the petitioner is in custody since 02.06.2022 which is more than 19 months.

7. The learned Additional Public Prosecutor has vehemently opposed the prayer for bail of the petitioner.

6. Considering the aforesaid facts and circumstances and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-X,



Bhojpur at Ara in connection with Koilwar (Gidha) P.S. Case No. 175 of 2022, subject to the following conditions:-

i. Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the court and shall remain physically present as directed by the court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

ii. If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

iii. And further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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