

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83624 of 2023

Arising Out of PS. Case No.-31 Year-2022 Thana- IMAMGANJ District- Gaya

SANTOSH BHARATI @ SHIVDHANI BHARATI @ SHIDHNI BHARATI
SON OF KISHORI BHARATI @ KISHORI BHUIYAN VILL BHAGHAR
PS IMAMGANJ DISTRICT GAYA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sanjay Kr. Sinha, Advocate
For the Opposite Party/s : Mr.Umanath Mishra, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 02-02-2024 Heard the parties.

2. The petitioner is in judicial custody in connection with Imamganj P.S. Case No. 31 of 2022 for the offence punishable under Sections 436, 302 of the Indian Penal Code lodged on 11.3.2022 by the informant, Brajesh Bharti.

3. Earlier a report was called for on 5.1.2024 which has been received letter no. 10 dated 10.1.2024, according to which, out of six chargesheeted witnesses, two have been examined and rest are yet to be examined.

4. As per the prosecution story, the informant has alleged that he had a fight with the petitioner who was in an intoxicated state and he had threatened to put the house on fire. In the middle of the night, they found the house to be set on fire. Anyhow, the elder son was taken out but the intensity of the fire



was so much that they could not bring out another son who was burnt to death.

5. Learned counsel for the petitioner submits that anything stated in intoxicated stage was attributed to him after the accidental fire took place in the house. He has remained in custody since 11.3.2022 (para-4 of the petition) and he do not have criminal antecedent and will be appearing in the trial diligently.

6. Learned APP opposes the prayer for bail.

7. Taking into account the fact that there is no possibility of conclusion of the trial in near future, he has remained in custody 11.3.2022, will be appearing in trial as undertaken by the learned counsel for the petitioner, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Addl. District and Sessions Judge, Sherghati, Gaya, in connection with Imamganj P.S. Case No. 31 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 till conclusion of the trial 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 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.

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

(Rajiv Roy, J)

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