

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82906 of 2023

Arising Out of PS. Case No.-2 Year-2022 Thana- KORHA District- Katihar

Subodh Kumar Son Of Ram Lal Mehta @ Ram Lal Mahto R/O Vill - Bargaon
Tapu, P.S. - Korha, Distt. - Katihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Advocate
For the State : Mr. Navin Kumar Pandey, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 23-02-2024 Heard Mr. Bimal Kumar, learned counsel for the

petitioner and Mr. Navin Kumar Pandey, learned A.P.P. for the

State.

2. The petitioner seeks bail in connection with S.T.
No. 303 of 2022 arising out of Korha P.S. Case No. 02 of 2022,
FIR dated 02.01.2022 for the offences punishable under
Sections 302, 120(B) and 34 of the Indian Penal Code and
Section 27 of the Arms Act.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 27.03.2023 passed in Cr. Misc. No.
49535 of 2022.

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



is made accused on the basis of the confessional statement of the co-accused person, namely, Umesh Kumar and thereafter the self confessional statement of the petitioner. He further submits that except the aforesaid, nothing has come during the investigation to suggest the involvement of the petitioner in the present occurrence.

5. Vide order dated 05.01.2024, a report with regard to the present status of the trial was called for. Report of the learned Trial Court dated 09.01.2024 reveals that out of seven charge-sheeted witnesses, one witness has been examined and six prosecution witness are yet to be examined.

6. Learned APP for the State vehemently opposed the prayer for bail of the petitioner.

7. Learned counsel for the petitioner submits that in view of the report of the learned trial Court that there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 12.01.2023.

8. Considering the facts and circumstances of the case and the fact that report of the learned Trial Court as well as period of custody, let the, above named, petitioner 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



learned Additional Sessions Judge-V, Katihar in connection with Korha P.S. Case No. 02 of 2022 with the following conditions:-

(1) 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/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

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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