

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84722 of 2023

Arising Out of PS. Case No.-34 Year-2020 Thana- LAHERIYASARAI District- Darbhanga

MD. RASHID @ MD. RASID @ RASHID @ MD. RASHID AHMAD @
MD. RASHI AHMAD SON OF MD. SAMIL @ SAMIL MASTAN @ MD.
SAMIUR R/O VILLAGE- PIPRAULIYA, P.S.- JHANJHARPUR, DIST.-
MADHUBANI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rohit Kumar, Adv. Mr. Manish Kumar No.13, Adv. Mrs. Nitu Kumari, Adv.
For the Opposite Party/s	:	Mr. Manoj Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 12-01-2024 1. Heard learned counsel for the petitioner and
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Laheriasarai P.S. Case No. 34 of 2020, dated 15.01.2020
registered for the offence punishable under Section 366 of the
Indian Penal Code.

3. The main submissions advanced by learned
counsel for the petitioner are that the petitioner earlier
approached to this Court for the relief of regular bail which was
rejected by this Court vide order dated 12.04.2023 passed in Cr.
Misc. No. 64746 of 2022 and the petitioner has again come
before this Court for the same relief mainly on the ground of the



liberty granted to him to renew his bail prayer after six months from the date of that order, if the so-called victim is not produced and examined in the said period and he was also given liberty to renew his bail prayer after the examination of victim but victim has not been examined despite lapse of considerable period and in this regard impugned order may be perused and the petitioner has been languishing in jail since 04.08.2022 having no criminal antecedent.

4. Learned APP appearing for the State has opposed the prayer for bail of the petitioner.

5. Considering the above submissions and mainly taking into account the fact that the petitioner has been languishing in jail since 04.08.2022 and in his trial, the informant was examined on 14.08.2023 but thereafter, no step was taken to produce and examine the so-called victim before the trial Court and thereafter a considerable period has lapsed as reflects from the impugned order and the same goes to show the lingering attitude of the prosecution as well as negligence in producing and examining the so-called victim despite her being an important witness in the case of the petitioner, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner named-above be



enlarged on bail on furnishing of bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Laheriasarai P.S. Case No. 34 of 2020 on the following conditions:-

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

(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 his bail.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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