

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.292 of 2024

Arising Out of PS. Case No.-453 Year-2023 Thana- SABAUR District- Bhagalpur

Rajendra Prasad Kushbaha S/o Dhananjay Mandal Resident of Village -Upar
Bhithi ,P.S.- Sabour, District Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bijendra Kumar, Advocate
For the Opposite Party/s	:	Mr. Zainul Abedin, APP
For the Informant	:	Mr. Indeshwari Prasad Mandal, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 09-04-2024

1. Heard learned counsel for the petitioner, learned
APP for the State and learned counsel for the informant.

2. The petitioner has preferred this application for
grant of regular bail in connection with Sabaur P.S. Case no. 453
of 2023 registered under sections 307, 447, 341, 323, 324 and
504 of the Indian Penal Code.

3. As per the prosecution case, the informant states
that the petitioner who happens to be his son assaulted him with
a knife causing serious injuries on his neck. He is being treated
in the hospital.

4. Learned counsel for the petitioner submits that the
petitioner has been falsely implicated in the case at the instance
of other family members because of property dispute between



the parties. The manner of occurrence is other than what has been narrated in the F.I.R. The petitioner is in custody since 19.8.2023, has no criminal antecedent and trial has commenced in the learned trial Court. He undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that there is direct allegation against this petitioner in the F.I.R. Further trial has commenced in the learned trial Court and two out of the seven charge-sheet witnesses have been examined on behalf of the prosecution. Apprehension is expressed that once the petitioner is enlarged on bail, he may not permit the trial to proceed.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R, his having remained in custody for over 7 months since 19.8.2023 and trial having commenced in the learned trial Court, the petitioner is directed to be enlarged on bail in connection with Sabaur P.S. Case no. 453 of 2023, on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned



Chief Judicial Magistrate, Bhagalpur on the following conditions :-

(1) The petitioner shall remain physically present in court on each date of the trial and shall cooperate in the trial.

(2) In case the petitioner is absent on any single date for reasons not to the satisfaction of the learned trial Court or the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into the custody till conclusion of the trial.

7. Learned trial Court is directed to expedite the trial and conclude the same at the earliest preferably within a period of 6 months from the date of communication of the order.

(Partha Sarthy, J)

Harsh/-

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