

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76573 of 2024

Arising Out of PS. Case No.-128 Year-2020 Thana- MOHAMMADPUR District- Gopalganj

Birju Prasad Son of Dewraj Prasad @ Deoraj Rabat Resident of Village -
Amarpura, P.S.- Mohammadpur, District - Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Surendra Prasad Gupta
For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 18-01-2025 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 201 and 34 of the
Indian Penal Code and later on charge sheet has been submitted
under Sections 304(B) and 34 of the Indian Penal Code as
submitted by the learned counsel for the petitioner.

3. Learned counsel for the petitioner submits that this
is the third attempt of the petitioner to seek bail as earlier his
regular bail application was rejected by an order dated
08.12.2021 in Criminal Miscellaneous No. 37704 of 2021 and
by order dated 22.06.2022 in Criminal Miscellaneous No. 29116
of 2022.

4. Learned counsel for the petitioner next submits that



petitioner, being husband, has been falsely implicated in the instant case and is in custody since 25.06.2020. It is further submitted that charges have been framed against the petitioner. It is also submitted that altogether there are 4 prosecution witnesses, out of which one prosecution witness i.e. father of the deceased has died, as such, two charge sheet witnesses and I.O. of the case remains to be examined, but then none of the prosecution witnesses have appeared in the trial and the petitioner is languishing in judicial custody for more than four and a half years.

5. Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the submissions made by the learned counsel for the petitioner, the petitioner above-named, is directed to be released on bail on furnishing bail bonds of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned trial court where the case is pending/successor court in connection with Mohammadpur P.S. Case No. 128 of 2020.

7. However, it is made clear that the learned Trial Court before accepting the bail bonds of the petitioner shall verify whether any witness has been examined on behalf of the



prosecution or not and in the event if it is found that even if one witness has been examined on behalf of the prosecution in that event, the present bail order shall not be given effect to.

(Satyavrat Verma, J)

Rishabh/-

U		T	
---	--	---	--

