

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42155 of 2025

Arising Out of PS. Case No.-128 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Bhupendra Kumar S/o Umesh Sharma Resident of village-Kathdumar, ward
no 04, P.S- Kanaria(Bakhtiarpur), District-Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mrs.Rashmi Jha, Advocate

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 16-03-2026 Heard Mrs.Rashmi Jha, learned counsel for the

petitioner and Mr.Nawal Kishore Prasad, learned A.P.P. for the

State.

2. The petitioner seeks bail, who is in custody since
23.03.2023 in connection with S.Trial No. 370/2023 arising out
of Bakhtiyarpur (Kanaria O.P.) P.S. Case No. 128 of 2023, F.I.R.
dated 20.03.2023 registered for the offence punishable under
Sections 302,201,34 of IPC.

3. Earlier the prayer for bail of the petitioner was
rejected vide order dated 09.07.2024 passed in Cr. Misc.
No.48670/2023 by a Coordinate Bench of this Hon'ble Court.

4. Learned counsel appearing for the petitioner
submits that the petitioner is in custody since 23.03.2023 and



the trial has not been concluded as yet, apart from the aforesaid, the petitioner is not named in the FIR. The name of the petitioner has been transpired during investigation on the basis that a bloodstained shirt of the so called deceased was recovered from the house of the petitioner but the same has not been sent for F.S.L. and except the aforesaid, no other cogent material has come during investigation against the petitioner to suggest the involvement of the petitioner in the present occurrence and even on one has seen the present occurrence.

5. Vide order dated 27.08.2025, a report was called for with regard to the present stage of the trial. Report of the learned Trial Court dated 25.02.2026 reveals that out of eight chargesheet witnesses, six witnesses have been examined and the case is pending for examination of two official chargesheet witnesses.

6. Learned counsel for the petitioner referring the report of the learned Trial Court and 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 23.03.2023 almost three years.

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



8. Considering the aforesaid fact as well as the report of the learned Trial Court, let the petitioner, above named, 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 District Judge-IV, Saharsa in connection with S.Trial No. 370/2023 arising out of Bakhtiyarpur (Kanaria O.P.) P.S. Case No. 128 of 2023, with the following conditions:-

(I) 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 cancelled by the Court below.

(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 bail.

(III) 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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