

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33293 of 2019

Arising Out of PS. Case No.-41 Year-2014 Thana- PIPRA District- Patna

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Gajendra Singh (Male), aged about 19 years, Son of Yamuna Singh Resident
of Village - Basiyawan, P.S.- Pipra, Distt - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Javed Aslam, Adv.
For the Opposite Party/s	:	Mr.Sanjay Kumar Tiwary
For the Informant	:	Mr. Arvind Prasad Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

5 08-07-2020 Heard Mr. Y.C. Verma, learned senior counsel for

the petitioner, Mr. Arvind Prasad Singh, counsel for the

Informant as also Mr. Sanjay Kumar Tiwary, APP for the State.

In this case, the petitioner is seeking bail in
connection with S. Tr. No. 141 of 2017 arising out of Pipra P.S.
Case No. 41 of 2014 registered for offences under sections 147,
148, 149, 341, 323, 307, 302, 504, 354(C) of the Indian Penal
Code.

Earlier the petitioner has moved four times before
this Court with a prayer for bail but, failed to obtain favorable
order from this Court.

In the present case, the allegation has been made
against the petitioner to have caught hold the victim and the



victim was pierced with knife and ultimately he died.

The status position has been given by the counsel for the Informant that all the witnesses from the prosecution side have been examined as well as the 313 stage is over and the petitioner is seeking time for defence witness and they are not cooperating the court below for early disposal of the case and the methodology has been adopted by the petitioner to drag the proceeding to obtain favourable order from this Court.

Learned counsel for the petitioner submits that the petitioner is languishing in judicial custody for more than five years and the main assailant has been granted bail.

Learned counsel for the Informant submits that the petitioner is also the main assailant as he has caught hold the victim giving opportunity to the other person to pierce knife in his belly.

Due to the present situation arising out of Covid-19 pandemic, there is no chance of conclusion of the trial in near future. As the petitioner has remained in jail custody for five years (since 8.6.2015), looking to the entirety as also considering the period of custody, 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 Sessions Judge IXth, Patna in connection with S. Tr. No. 141 of 2017 arising out of Pipra P.S. Case No. 41 of 2014, subject to the condition that (i) one of the bailors shall be a close relative of the petitioner (ii) if the petitioner is found involved in future in similar type of case, the prosecution will be at liberty to make prayer for cancellation of his bail and the court below will pass necessary order, including cancellation of bail and (iii) the petitioner would cooperate the proceeding of the court below. In event of failure to appear on two consecutive dates without proper explanation, the prosecution will be at liberty to make a prayer for cancellation of the bail.

(Shivaji Pandey, J)

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