

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.789 of 2020

Arising Out of PS. Case No.-18 Year-2019 Thana- MAHARAJGANJ District- Siwan

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Bittu Kumar Singh @ Bittu Kumar @ Bittu Singh, aged about 23 years, male,
Son of Ramanand Singh, Resident of Village- Sihauta, P.S.- Maharajganj,
District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Adv.

For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

6 03-03-2021 Heard Mr. Sanjay Kumar Singh, learned

Advocate for the petitioner and Md. Fahimuddin, learned

APP for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 186 of 2019 arising out of

Maharajganj P.S. Case No. 18 of 2019, dated

20.01.2019, instituted for the offences under Sections

147, 148, 149, 341, 323, 324, 307, 379, 506 and 302



of the Indian Penal Code.

The petitioner along with others is said to have inflicted knife injuries on the informant who had gone to rescue his driver who was being assaulted by the accused persons. The informant later died.

The prayer for bail of the petitioner was earlier rejected *vide* order dated 06.09.2019 passed in Cr. Misc. No. 31175 of 2019, wherein this Court had noted the fact that the *postmortem* report reveals that apart from one incised wound which hit the informant till his stomach cavity, there are other incised wounds also, which corroborates the accusation in the F.I.R.

Learned counsel for the petitioner has submitted that two years have passed by, but the trial has not been concluded as yet.

This Court, on 26.02.2020, had called for a report from the Court below as regards the present stage of the trial, which report has been received *vide* letter dated 02.03.2020 and kept at Flag-A.

The report indicates that till that time, the



informant and the other witnesses had not been examined, but all steps had already been taken by the Trial Court to ensure the presence of the prosecution witnesses.

During the pendency of the trial, it has been urged on behalf of the petitioner, one Shambhu Singh, an accused of this case and who too has been attributed with assaulting the deceased, was granted bail by a Bench of this Court vide order dated 29.01.2020 passed in Cr. Misc. No. 70797 of 2019.

A perusal of the aforesaid order indicates that the bail application of co-accused/Shambhu Singh was earlier rejected with an observation that he could renew his prayer for bail after the framing of the charge. Since charges have already been framed on 23.09.2019, bail was granted to aforesaid Shambhu Singh *vide* order dated 29.01.2020, referred to above.

This Court is conscious of the fact that there is no discussion on merits of the case in the order granting bail to co-accused/Shambhu Singh but from the perusal



of the accusation against the petitioner and others, it is very apparent that aforesaid Shambhu Singh and the petitioner stand on same footing as far as accusation of hurling blows to the deceased is concerned.

This Court also takes note of the fact that despite the petitioner having remained in custody for about two years, the trial has yet progressed. As has been argued on behalf of the petitioner, it would, in that case, be highly unfair for one of the accused persons to remain in jail, when the other with similar accusation has been granted bail by a Bench of this Court.

The aforesaid argument does not appeal to this Court especially in view of the fact that there is a common accusation against the accused who has been granted bail and the petitioner of assaulting the deceased leading to his death. Nonetheless, taking into account the fact that the trial could not be completed as yet and which is not attributable to the petitioner, this Court is inclined to release the petitioner on bail during the pendency of the trial, subject to certain conditions.



The petitioner/Bittu Kumar Singh @ Bittu Kumar @ Bittu Singh is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned 6th Addl. District & Sessions Judge, Siwan in connection with Sessions Trial No. 186 of 2019 arising out of Maharajganj P.S. Case No. 18 of 2019, subject to the following conditions:

(i) that one of the bailors shall be a close relative of the petitioner;

(ii) that the petitioner shall, at the time of furnishing his bonds, give his mobile telephone number as well as the mobile telephone numbers of both his bailors, which telephone numbers shall be kept in operative condition till the conclusion of the trial;

(iii) that the petitioner shall not leave the territorial confines of the Court which is trying the offence, without the consent of the Trial Court sought in advance; and



(iv) that the petitioner shall also get his presence marked before the Officer-in-Charge of the concerned police station on the first Monday of each month. The Officer-in-Charge of the concerned police station is directed not to detain the petitioner in the police station unnecessarily.

With the aforesaid observation/direction, the application stands disposed off.

(Ashutosh Kumar, J)

Praveen-II/-

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