

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.13524 of 2021**

Arising Out of PS. Case No.-802 Year-2015 Thana- KHAGARIA District- Khagaria

KISHOR SINGH S/O LATE SURYA NARAYAN SINGH R/o village- Khargi
Terari, P.S.- Khagaria (Gangour), District- Khagaria

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Ms.Vaishnavi Singh,Advocate
For the Opposite Party/s	:	Mr.Dashrath Mehta, APP
For the Informant	:	Mr.Paras Nath,Advocate

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

3 27-08-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard Ms. Vaishnavi Singh, learned counsel for the petitioner, Mr. Paras Nath, learned counsel for the informant and Mr. Dashrath Mehta, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Khagaria (Gangour) P.S. Case No. 802 of 2015 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that this is the third attempt of the petitioner to obtain bail. Earlier his prayer for bail was rejected by learned Predecessor Bench of

this Court vide order dated 20.11.2017 in Cri. Misc. No. 55415 of 2017 and vide order dated 19.09.2018 in Cri. Misc. No. 39303 of 2018.

It is submitted that the prayer for bail of the petitioner has been rejected saying that the petitioner has got at least two cases relating to serious offences but on perusal of the criminal antecedents in paragraph '3' of the present application, it would appear that all the cases against the petitioner are of petty nature and none of them is of any serious offence.

Learned counsel further submits that in this case as per the First Information Report, there is specific allegation of catching hold of the husband of the informant and firing upon him against co-accused Umesh Singh. It is only subsequently alleged that this petitioner had also fired and other accused had indiscriminately fired but this part of the allegation could not be substantiated from the post mortem examination which shows only one firearm injury on the person of the deceased.

Learned counsel for the petitioner submits that the petitioner has remained in jail for more than four years and as such if the trial is not being concluded, he deserves privilege of bail.

Learned counsel for the informant as well as learned

APP for the State are present. This Court called upon them to say as to whether the offences stated in paragraph '3' are serious offences. Both the learned Advocates said that the offences alleged against the petitioner are not serious offences.

This Court had called for a report from the learned trial court as to the present stage of trial and it is reported by letter no. 114 of 2021 dated 05.08.2021 that the case is fixed for prosecution evidence, 7 witnesses have been examined in this case and examination of one witness is pending. The trial court has informed that it will take 2 to 3 months in concluding the trial of this case from the date of commencement of normal/physical functioning of the court.

The trial courts are now functioning in hybrid mode.

Since depositions which have taken place in course of trial have not been brought on the record, this Court has no occasion to go through the same but considering the period of custody, this Court is of the considered opinion that if the trial is not concluded within a period of three months from the date of communication of this order for no reason attributable to the petitioner, he shall be released on bail on furnishing of bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of

learned Fast Tract Court, Khagaria in connection with Khagaria
(Gangour) P.S. Case No. 802 of 2015, subject to the conditions
as laid down under Section 437(3) Cr.P.C.

The application stands allowed.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.