

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39714 of 2021**

Arising Out of PS. Case No.-4 Year-2015 Thana- RAGHOPUR District- Vaishali

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VISHWA VIJAY SINGH @ VISHWAVIJAY S/O RAM SURESH SINGH
R/O VILLAGE FATHEPUR, P.S RAGHOPUR, DISTRICT VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar

For the Opposite Party/s : Mr.Raj Ballabh Singh

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**CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER**

2 11-08-2021 Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in a case registered for the offence punishable under Section 302/34 of the Indian Penal Code and u/s 27 of Arms Act.

Earlier on four occasions, prayer of petitioner for bail has been rejected. Last rejection is on 04.11.2020 whereby direction was given to the court below to expedite the trial.

Learned counsel appearing for the petitioner submits that even after rejection of bail of petitioner by the last order dated 04.11.2020, there is no substantive progress in the trial and only five prosecution witnesses have been examined till date. It is further submitted that during the course of trial informant and his brother, who claimed to be eye witness of the occurrences, have been examined as PW 2 and PW 5 but none of them supported the prosecution case and stated that this petitioner was not present at the time of occurrence, copy of the



deposition has been annexed as Annexure-3. Petitioner is in custody since 14.12.2016.

Learned counsel appearing for the State opposes the prayer for bail.

Considering the deposition of the witnesses, period of custody and undue delay in conclusion of trial, 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 Additional Sessions Judge- I-Vaishali at Hajipur in connection with Raghapur PS case No. 4/2015 on the following conditions:-

(1) 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.

(2) 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.

(Prabhat Kumar Singh, J)

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