

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4035 of 2021

Arising Out of PS. Case No.-877 Year-2018 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SURAJ KUMAR Son of Late Gaurishankar Sah Resident of Village- Patahi
Hari, Post- Patahi, P.S.- Sadar, Distt- Muzaffarpur, Bihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Prabhat Kumar Singh, Advocate Ms. Preety Kunwar, Advocate
For the State	:	Mr. Akshay Lal Pandit, A.P.P.
For the Informant	:	Mr. Ravi Ranjan, Advocate

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

5 13-12-2021 Heard Mr. N.K. Agrawal, learned senior counsel for

the petitioner, Mr. Ravi Ranjan, learned counsel for the

informant and Mr. Akshay Lal Pandit, learned Additional Public

Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with

Sessions Trial No. 589 of 2019 arising out of Sadar P.S. Case

No. 877 of 2018 registered for the offences punishable under

Sections 324, 307 and 302 of the Indian Penal Code 1860.

The allegation as per the First Information Report is

that the petitioner inflicted sword blow on the head of father of

the informant, due to which, he died in the Hospital after four

days.



Learned senior counsel for the petitioner submits that the petitioner has falsely been implicated in this case due to land dispute between the parties and petitioner is nephew of the deceased. Learned counsel further submits that from perusal of the re-statement of the informant, it would be evident that there is a discrepancy in the information given by the informant in the First Information Report and the re-statement inasmuch as in the First Information Report there is specific allegation of inflicting sword blow upon the head of the informant's father whereas in the re-statement, the informant has said that the petitioner has assaulted the informant's father by means of iron rod. He next submits that the postmortem report also does not corroborate the allegation made in the First Information Report and the cause of death of the deceased is due to assault by hard and blunt substance. He next submits that the petitioner is in custody since 16.4.2019 i.e. for almost two years eight months and trial is not likely to be concluded and the charges against the petitioner were framed on 21.12.2019.

On the other hand, learned counsel for the informant submits that the trial is at the verge of conclusion and except the official witnesses i.e. the Doctor and the Investigating Officer, all the private witnesses have been examined during the



trial.

This Court vide order dated 24.6.2021 had called for a report from the trial court regarding stage of trial and in pursuance thereof, the report of learned 8th Additional District & Sessions Judge, Muzaffarpur, dated 28.6.2021 is on record by which the learned 8th Addl. District & Sessions Judge, Muzaffarpur, has informed this Court that as per the order of the Hon'ble High Court in letter No. 23038-74 dated 29.5.2021 only urgent matter i.e. Bail matters, Cr. Appeal, Cr. Revision and a matter related to Cr. Miscellaneous is being heard at present. Whenever the Hon'ble High Court will grant permission to record the evidence of the witnesses, trial would be concluded within six months. It has also been informed that out of nine charge sheet witnesses, only three have been examined.

Regards being had to the submission made by the parties and taking into consideration the materials on record, the fact that the petitioner has got no criminal antecedent, both the parties are closely related, the petitioner is in custody since 16.4.2019, charges have already been framed and there is no likelihood that the petitioner will abscond or tamper with the evidence, I am inclined to grant regular bail to the petitioner.

Accordingly, let the petitioner, above named, be



released on regular bail on furnishing bail bonds of Rs.10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned 8th Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 589 of 2019 arising out of Sadar P.S. Case No. 877 of 2018 subject to the condition that the petitioner will be well represented on each date in the trial and if he fails to do so on two consecutive dates, his bail bonds will be liable to be cancelled.

It is made clear that at the time of furnishing bail bonds all the parties shall follow the guidelines regarding social distancing.

(Anil Kumar Sinha, J)

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