

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.7012 of 2022

Arising Out of PS. Case No.-31 Year-2019 Thana- PIPRIYA District- Lakhisarai

Rajan Kumar, S/o Uday Singh @ Uday Shankar Singh, R/o Village- Walipur,
P.S.- Pipariya, District- Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate

For the Opposite Party/s : Mr.Upendra Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

4 30-03-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sessions
Case No.202 of 2019 arising out of Pipariya P.S. Case No.31 of
2019 registered for the offence punishable under Sections 188,
302, 323, 324, 341/34 of the Indian Penal Code.

Twice the petitioner's application for bail has been
rejected earlier. The first rejection is on 04.12.2019 in Cr.Misc.
No.52590 of 2019. Thereafter, on 25.01.2021, the second
application for bail (Cr.Misc. No.27854 of 2020) was rejected.
The petitioner thereafter has moved the learned court below and
again his application has been rejected under order dated
04.08.2021.

It is submitted by the petitioner's counsel that the



petitioner has now remained in custody for more than two years. He is having no criminal antecedents and even as per prosecution case, it is evident that the victim has suffered fatal assault in course of dispute arising out of sharing of land produce. Even as per allegation, there is only one fatal blow on the chest attributed to the petitioner. He submits that in view of the nature of allegations, it is impossible as to how the petitioner has been alleged to be the author of the fatal assault. Further submission is that there is no progress at the trial.

Having regard to the nature of allegations, period of custody and the submission regarding there being no progress at the trial, report was called for from the court below. Report dated 07.03.2022 has been received and from perusal of the same, it is apparent that only one, out of seven chargesheeted witnesses have been examined.

Learned APP for the State has opposed the prayer for bail.

Having considered the nature of allegations, period of custody, petitioner's clean antecedents and the fact that there is no progress at the trial, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.



Accordingly, 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 the learned Additional District & Sessions Judge-III, Lakhisarai, in connection Sessions Case No.202 of 2019 arising out of Pipariya P.S. Case No.31 of 2019, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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