

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.11895 of 2022**

Arising Out of PS. Case No.-277 Year-2019 Thana- MAIRWAN District- Siwan

SHIVJI SINGH Son of Late Vishwanath Singh Resident of Village- Maidania,  
P.S.- Mairwa, District- Siwan.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                   |
|--------------------------|---|-------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Yogesh Chandra Verma, Sr. Advocate<br>Ms. Kumari Anupam, Adv. |
| For the Opposite Party/s | : | Mr. Amitesh Kumar, APP                                            |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      20-04-2022                      Heard learned senior counsel for the petitioner and  
learned A.P.P. for the State.

The petitioner has renewed his prayer for bail in a  
case registered under sections 302, 307 and other sections of the  
Indian Penal Code.

As per the prosecution case, the seven named  
accused persons including the petitioner herein are said to have  
surrounded the mother of the informant. Subhash Chandra  
Singh with a kudal and the petitioner with a hammer are said to  
have assaulted as a result of which she was seriously injured and  
on being taken to the hospital was declared dead.

It is submitted by learned senior counsel appearing  
for the petitioner that the earlier application for bail of the



petitioner was rejected vide order dated 21.6.2021 passed in Cr. Misc. no.5229 of 2021. The petitioner is in custody since 21.10.2019 and only one out of the eight witnesses having been examined on behalf of the prosecution and there is no chance of the trial concluding in the near future. On merits, it is reiterated that against the allegation on two accused persons having given kudal blow and a blow with a hammer on the deceased, the same is not supported from the contents of the post-mortem report. The petitioner undertakes to cooperate in the trial.

Heard learned A.P.P. for the State.

Having heard learned counsel for the parties and taking into consideration the submissions made on behalf of the petitioner, the contents of the post-mortem report, the petitioner having remained in custody since 21.10.2019 and only one witness out of the eight prosecution witnesses having been examined in the trial, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.111 of 2020 (arising out of Mairwa P.S. Case no.277 of 2019) on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 7<sup>th</sup>, Siwan.

It is further directed that in view of the trial having



commenced, the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial. In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned trial court or the petitioner not cooperating in the trial, the learned trial court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

**(Partha Sarthy, J)**

Saurabh/-

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