

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25080 of 2021**

Arising Out of PS. Case No.-26 Year-2011 Thana- MAHARAJGANJ District- Siwan

ABHIMANYU SINGH @ LOHA SINGH Son of Vinesh Singh Resident of
Village - Jihuli, P.S.- Patahi, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binod Kumar Mishra, Adv.

For the Opposite Party/s : Ms. Renu Kumari, APP

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

11 24-01-2022 Heard learned counsel for the parties through video conferencing.

The petitioner has preferred this application for grant of regular bail in a case registered under and sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the accused Tantu @ Raja Kumar Singh is said to have been given stab injury to the daughter of the informant while coaccused Anju Devi fired 2-3 rounds from the pistol. As a result of the same the daughter of the informant was injured and died subsequently.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 10.10.2018 (Annexure-1) passed in Cr. Misc. no.47037 of 2018 and order dated 8.1.2020 passed in Cr. Misc.



no.57104 of 2019. By order dated 8.1.2020 the learned trial Court was directed to expedite the trial and conclude the same as early as possible preferable within one year. More than two years have passed since passing of the said order but not a single witness has been examined in the trial Court on behalf of the prosecution. The petitioner is in custody since 4.5.2018 and 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 facts of the case together with the petitioner having remained in custody for over 3 years 8 months and not a single witness having been examined on behalf of the prosecution in the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.105 of 2019/111 of 2019 (arising out of Maharajganj P.S. Case no. 26 of 2011) 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 A.D.J.-V, Siwan.

It is directed that the petitioner shall cooperate in the trial in the learned trial Court and shall remain physically present in Court on each date of the trial. In case, the learned trial Court is of the opinion that the trial is being delayed due to



noncooperation on part of the petitioner, 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)

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