

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16977 of 2022**

Arising Out of PS. Case No.-101 Year-2009 Thana- BHANGWANPUR HAT District- Siwan

Jai Prakash Singh, aged about 35 years, Gender-Male, Son Of Jamuna Singh,
Resident Of Village- Dhorpur, P.S.- Bhagwanpur, District- Siwan.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Prashant Kumar, Advocate

For the Opposite Party : Mr. Md. Mushtaque Alam, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 24-08-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Learned counsel for the petitioner is directed to
remove the defect (s), as pointed out by the office, within a
period of four weeks.

The petitioner seeks bail in connection with
Bhagwanpur P.S. Case No. 101/2009 registered for the offence
under Sections 341, 324, 307/34 of the I.P.C. Later on, Section
302 of the I.P.C. was also added.

The prosecution, in brief, is that the accused persons



came variously armed and this petitioner is said to have assaulted on the head, leg and feet of Harendra Tiwary, as a result of which, he succumbed to the injuries.

First regular bail application of the petitioner was rejected by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 56037 of 2017 under order dated 15.02.2018 with the liberty that if the trial does not conclude within a period of one year, the petitioner will be liberty to renew his prayer for bail. Thereafter, second regular bail application of the petitioner was rejected by this Bench vide Cr. Misc. No. 15432 of 2019 under order dated 02.08.2019 with a direction to the trial court to conclude the trial preferably within a period of nine months and thereafter third regular bail application of the petitioner was rejected by this Bench vide Cr. Misc. No. 23513 of 2020 under order dated 07.12.2020 with a direction to the trial court to conclude the trial preferably within a period of nine months, annexed as Annexure-1 series to the present application.

This is fourth attempt for grant of regular bail on behalf of the petitioner. By the order dated, 06.04.2022, a report was called for from the learned court below regarding the present stage of the case. It has been reported that further six months time be granted to conclude the trial.



It has been submitted on behalf of the petitioner that the petitioner is in custody since 05.07.2017. He has remained in custody for more than five years. It has further been pointed out that in course of investigation, the police had submitted final form against the petitioner but the learned court below differed with the police report and took cognizance against the petitioner. The petitioner has got no criminal antecedent. There is no allegation of tampering with the witnesses alleged against the petitioner.

On behalf of the State, it is submitted that the petitioner is named in the F.I.R.

Considering the fact that the petitioner has already remained in custody for more than five years and apparently inspite of repeated directions, the trial has not come to a logical end, the petitioner, above-named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. VII, Siwan in connection with Bhagwanpur P.S. Case No. 101/2009, Sessions Trial No. 418/2019.

The petitioner shall co-operate during the trial. If the trial court feels that the petitioner is not co-operating with the



trial, the learned court below will be at liberty to cancel the bail
bond of the petitioner.

(Sudhir Singh, J)

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