

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.16384 of 2022

Arising Out of PS. Case No.-42 Year-2018 Thana- LAHERIYASARAI District- Darbhanga

RADHEY SHYAM SINGH @ RADHE SHYAM SINGH @ RADHE
SEYAM SINGH @ SHUBHAM SINGH S/o Late Ajay Singh R/o Mohalla-
Shahganj, Benta, P.S.- Laheriasarai, District- Darbhanga

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Manish Kumar No. 13, Adv.

Mr.Rohit Kumar,Adv.

For the Opposite Party/s : Mr.Surendra Prasad Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 28-09-2022 Learned counsel for the petitioner shall remove all the defects pointed out by the stamp reporter within three weeks from today.

Heard learned counsel for the petitioner and learned APP
for the State.

This is the fourth attempt of the petitioner to obtain bail in connection with Laheriasarai (Benta O.P.) P.S. Case No.42/2018 corresponding to C.R.I. No.- 272 of 2018 (S.Tr.No. 494 of 2018) registered for the offences under Sections 341, 324, 307 of the Indian Penal Code and under Sections 25(1-b)a and 27 of the Arms Act. The petitioner has three criminal antecedents. He is in custody since 09.02.2018.

Lastly, the prayer for bail of the petitioner was dismissed vide order dated 30.06.2021 passed in Cr.Misc.No.3533 of 2021 with a direction to the learned court below to expedite the trial and



conclude the same within a period of six months.

Learned counsel for the petitioner submits that the petitioner has remained in custody for more than four years eight months, till date not a single prosecution witness has been examined and the trial is not likely to be concluded in near future.

Learned APP for the State has though opposed the prayer for bail of the petitioner but does not dispute the aforesaid submission.

Having regard to the facts and circumstance of the case and submission that the petitioner has remained in custody in connection with this case since 09.02.2018 i.e. for more than four years eight months approximately, till date not a single witness has been examined after framing of charge on 01.12.2018. Despite the order of this Court lastly rejecting the prayer for bail of the petitioner on 30.06.2021 in Cr. Misc. No. 3533 of 2021, the trial has not progressed, in such circumstance, this Court directs release of the petitioner above named on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-V, Darbhanga in connection with Laheriasarai(Benta O.P.) P.S. Case No.42/2018 corresponding to C.R.I. No.- 272 of 2018 (S.Tr.No. 494 of 2018), subject to the conditions as laid down under Section 437(3) Cr.P.C.

And further condition that the court below shall verify the



criminal antecedent of the petitioner and in case at any stage it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

At this stage, this Court deems it proper to bring this matter to the knowledge of the Hon'ble Inspecting Judge of Darbhanga in administrative side.

This application stands disposed of accordingly.

Certified copy of the order will be made available only after removal of the defects.

(Rajeev Ranjan Prasad, J)

tusharika/-

U		T	
---	--	---	--

Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

