

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17417 of 2022

Arising Out of PS. Case No.-216 Year-2019 Thana- DORIGANJ District- Saran

Om Prakash Rai Son Of Dhrup Rai R/O Village- Mauzampur Ke Tola,
Pakauliya, P.S.- Awtar Nagar, District- Saran (Chapra)

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Gajendra Kumar Singh, Advocate
For the Opposite Party/s : Mr.Nagendra Prasad,APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 07-07-2022 The learned counsel for the petitioner is directed to remove all the defects pointed out by the Stamp Reporter within one month.

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

Petitioner seeks regular bail in connection with Doriganj P.S. Case No. 216 of 2019 registered for the offences under Sections 341, 302, 323, 504/34 of Indian Penal Code.

Allegedly this petitioner and co-accused persons assaulted the informant's brother by means of Lathi and Iron Rod when informant's brother objected to the forceful cultivation being committed on the disputed land by the accused persons and during the occurrence the informant and his one relative Kunal were also assaulted by the accused persons when



they intervened to save the informant's brother.

The main submissions advanced by learned counsel for the petitioner are that this petitioner earlier preferred a Criminal Miscellaneous No. 31511 of 2020 before this Court for the relief of regular bail and the same was rejected with the observation to trial Court to conclude the trial of the petitioner on day-to-day basis in 9 months but after giving the said direction a period of more than 9 months has elapsed and petitioner's trial is still pending. Further submission is that during the trial altogether 7 prosecution witnesses have been examined and all of them went hostile and the petitioner has been languishing in jail since 18 March, 2020.

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

Heard both the sides and perused the FIR and the statements of the prosecution witnesses recorded during the course of trial of petitioner till now which have been submitted by petitioner as Annexure 2. As per prosecution story, the most important witness is said to be the informant and an other person namely Kunal who have been examined as PW-5 and PW-2 but both went hostile. The trial of the petitioner has not been concluded even after lapse of 9 months, despite a direction



having been given by this Court to conclude the same within the said period. Considering these facts and mainly the material witnesses of the prosecution having been declared hostile and petitioner has been languishing in jail since 18 March, 2020, in my view it is a fit and proper case to accept the petitioner's prayer, let the petitioner 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 concerned Court in Connection with Doriganj P.S. Case No. 216 of 2019.

(Shailendra Singh, J)

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