

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64711 of 2021**

Arising Out of PS. Case No.-159 Year-2015 Thana- SATHI District- West Champaran

BHUTKUN SINGH @ SATYADO SINGH S/o Late Saral Singh R/o village-
Bhabhata, P.S.- Sathi, District- West Champaran

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanchay Shrivastava
For the Opposite Party/s	:	Mr. Bharat Bhushan
For the informant	:	Mr. Md. Anis Akhter

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 05-01-2022 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 03 of 2016, arising out of Sathi Police Station Case No. 159 of 2015, registered for the offences punishable under Sections 147/148/149/302/120-B of the Indian Penal Code.

This is the third attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was dismissed by this Court, vide orders, dated 07.01.2016 and 05.04.2021, passed in Criminal Misc. Nos. 550 of 2016 and 278 of 2020 and in the second attempt, the prayer



for bail of the petitioner was rejected, giving liberty to the petitioner to renew his prayer for bail after six months from the date of the order if the trial is not concluded.

The allegation against the petitioner is that he fired upon the deceased causing fire arm injury to him, leading to his death.

Learned Counsel for the petitioner submits that the trial is still pending and the court, where the trial of the petitioner is pending, is vacant since 22.10.2021. He further submits that the petitioner is in custody since 09.08.2015 and the trial is not likely to be concluded in near future.

On the other hand, learned Counsel for the informant opposes the prayer for bail and submits that the petitioner is the main assailant and only the Investigating Officer is yet to be cross-examined in the trial.

This Court, vide order, dated 24.11.2021, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned Incharge 4th Additional Sessions Judge, West Champaran, at Bettiah, and from perusal of the same, it would be evident that only Investigating Officer of the case is yet to be cross-examined and the court, where the trial of the



petitioner is pending, is vacant since 22.10.2021.

After having heard learned Counsel for the parties and taking into consideration the period already undergone by the petitioner as an under-trial prisoner and the fact that the trial is not likely to be concluded in near future and this is the third attempt on behalf of the petitioner, I am inclined to grant regular bail to the petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 4th Additional Sessions Judge, West Champaran, at Bettiah, in connection with Sessions Trial No. 03 of 2016, arising out of Sathi Police Station Case No. 159 of 2015.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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