

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69121 of 2021

Arising Out of PS. Case No.-234 Year-2014 Thana- SAHPUR District- Bhojpur

Uma Shankar Rai @ Uma Shankar Ray, aged about 58 years, male, Son of Late Radha Krishna Rai, Resident of Village - Sarangpur, P.S. - Shahpur (Bahoranpur OP), District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vikram Deo Singh, Adv.
For the Informant	:	Mr. Sheo Jee Mishra, Adv.
For the State	:	Mr. APP

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR

ORAL ORDER

5 22-06-2022 Heard Mr. Vikram Deo Singh, the learned Advocate for the petitioner and Mr. Sheo Jee Mishra, the learned counsel for the informant.

The State is represented by the learned APP.

The petitioner seeks bail in connection with Sessions Trial No. 164 of 2017 arising out of Shahpur (Bahoranpur OP) P.S. Case No. 234 of 2014 instituted for



the offences under Sections 147, 148, 149 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier twice rejected *vide* orders dated 27.11.2019 and 15.01.2021 respectively.

While rejecting the prayer for bail of the petitioner for the second time, *i.e.*, on 15.01.2021, this Court had observed that if there is no substantial progress in the case within the next nine months from the date of rejection of the application for grant of bail, the petitioner would have the liberty to renew the prayer for his bail.

Hence, the present application as nine months have passed by long time ago and the trial has not yet come to any logical conclusion.

However, this Court had earlier called for a report about the stage of the case from the Court below. The report indicates that out of sixteen witnesses, only four witnesses have been examined up-till-now.

Mr. Singh, therefore, submits that it would take quite a while for concluding the trial.



So far as the merits of this case is concerned, the learned Advocate for the petitioner has submitted that out of the two eye-witnesses who have been relied upon by the prosecution, one has named the petitioner as the assailant of the deceased, whereas the other has attributed the role of killing to another accused person.

All the other accused persons of this case are on bail except the petitioner.

It has further been submitted that it was not taken note of at the first instance when the bail application of the petitioner was considered that the inquest report was prepared in the hospital, giving rise to the suspicion that something must have happened in between the occurrence which led to the death of the deceased and his being shifted to the hospital for further treatment.

Be that as it may, considering the period of custody of the petitioner, which is from 17.06.2019 and the fact that the trial is not likely to be concluded in the near future, this Court is inclined to admit the petitioner to bail during the pendency of the trial.



Let the petitioner/Uma Shankar Rai @ Uma Shankar Ray is directed to be released on bail on his furnishing bail-bonds in the sum of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J.-XI, Bhojpur at Ara in connection with in connection with Sessions Trial No. 164 of 2017 arising out of Shahpur (Bahoranpur OP) P.S. Case No. 234 of 2014.

However, this order would be subject to the condition that the petitioner shall furnish his mobile telephone number and the mobile telephone number of one of his sureties, which telephones shall be kept in operative condition till the trial is concluded. The petitioner shall also get his presence marked before the Officer-In-Charge of the concerned police station on Wednesdays of every month. He shall not leave the territorial confines of the district where the trial is being conducted without the prior approval of the Trial Court and intimation in that regard shall be given to the Officer-In-Charge of the concerned police station. Whenever he moves out of the district, even after the permission by



the Trial Curt, he shall intimate the place of stay in the
meanwhile to the Officer-In-Charge of the concerned police
station.

It is also made clear that any breach of any one of
the aforesaid conditions would render the bail of the
petitioner liable to be cancelled.

The application stands allowed accordingly.

(Ashutosh Kumar, J)

Praveen-II/-

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