

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69428 of 2021

Arising Out of PS. Case No.-408 Year-2018 Thana- DHANARUA District- Patna

JITENDRA KUMAR @ CHHOTU RAM Son of Nandkishor Ram @ Gora
Resident of Village- Nima, P.S.- Khanaura, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha
For the Opposite Party/s : Mr.Ashok Kumar

CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 02-02-2022 Heard Mr. Ajay Kumar Sinha, the learned

Advocate for the petitioner and the learned APP for the

State.

The petitioner seeks bail in connection with

Sessions Trial No. 707 of 2019 arising out of Dhanarua P.S.

Case No. 408/2018 instituted for the offences under

Sections 302/34 of the Indian Penal Code and Section 27 of

the Arms Act.

Earlier, the prayer for bail of the petitioner was

rejected vide order dated 13.09.2019 passed in Cr. Misc.

No. 44872 of 2019.

The petitioner is in custody since 08.11.2018.



The accusation against the petitioner and others is of taking away the deceased for celebrating Diwali but later, the dead body of the deceased was found. The petitioner, during the search, was found to be hiding in a paddy field with a weapon and a cartridge in his possession. This perhaps led to the impression that the petitioner was the assailant as the deceased had died because of gunshot injury.

This Court had called for a report about the stage of the case from the court below vide order dated 22.12.2021. The report dated 4th of January 2022 indicates that no witness, as yet, has been examined in this case, though processes have been set afoot for summoning the witnesses.

Considering the aforesaid stage of the case where no witness has been examined and the petitioner has remained in custody since 08.11.2018 and that his prosecution in this case is on the basis of suspicion as also the fact that there is no likelihood of the trial being concluded in near future, I am inclined to grant bail to the



petitioner during the pendency of the trial.

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., Masaurhi, Patna in connection with Sessions Trial No. 707 of 2019 arising out of Dhanarua P.S. Case No. 408/2018.

The petitioner shall, however, furnish an additional undertaking at the time of furnishing of bonds that he shall participate in the trial on each and every day and shall not leave the territorial confines of the district in which the trial is proceeding without taking prior permission of the trial court.

He shall furnish his mobile telephone which he shall keep in operative condition till the conclusion of the trial.

The petitioner shall also get his presence marked before the Officer-in-Charge of the concerned police station every fortnight and the officer concerned shall not unnecessarily detain him in the police station when he goes to get his presence marked.



If the petitioner is found to be tampering with the evidence or of threatening or intimidating the witnesses, it would be open for the Trial Court to cancel the bail granted to him.

With the aforesaid observation, the petition stands disposed of.

(Ashutosh Kumar, J)

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