

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15375 of 2023

Arising Out of PS. Case No.-178 Year-2020 Thana- BELDOUR District- Khagaria

MITHUN KUMAR Son of Ganesh Prasad Singh @ Sri Ganesh Singh R/v-
Kalikapur, P.S.- Goradih, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ranjan Kumar Jha, Adv.

For the Opposite Party/s : Mr. Narendra Kumar Singh, Adv.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 17-05-2023 Heard Mr. Ranjan Kumar Jha, learned counsel
appearing on behalf of the petitioner and Mr. Narendra Kumar
Singh, learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
29.08.2020, in connection with Beldaur P.S. Case No. 178 of
2020, dated 06.07.2020, G.R. No. 1998 of 2020, registered
under Sections 302/34 of the Indian Penal Code and under
Section 27 of the Arms Act.

Learned counsel appearing on behalf of the petitioner
submits that he has renewed the bail application of the
petitioner. Earlier the regular bail of the petitioner was rejected
vide order dated 10.12.202, passed in Cr. Misc. No. 27506 of
2021.

Learned counsel submits that this Court had directed



to renew the prayer for bail, if the trial is not concluded within a period of one year.

Considering the said fact, this Court had directed the Learned Sessions Judge, Khagaria to furnish report with respect to stage of trial.

It has been informed by learned Sessions Judge, Khagaria vide letter no. 47, dated 17.03.2023 that out of 9 witnesses only there prosecution witnesses have been examined. No reason has been assigned in the report as to why the trial has been delayed, in spite of the fact that there are only 9 witnesses.

This Court is concern about the life and liberty of the petitioner and finding that in the present case the trial has been delayed for no reason assigned by the prosecution or by the trial Court.

The apex Court recently in case of ***Satender Kumar Antil Vrs. Central Bureau Of Investigation*** on 11th July, 2022 has been pleased to consider the pendency of bail application and grant of bail to the accused persons, with respect to regular bail has been defined in **paragraph 8** of said Judgment which is as follows:-

“8. The term “bail” has not been defined in the Code, though is used very often.

A bail is nothing but a surety



inclusive of a personal bond from the accused.

It means the release of an accused person either by the orders of the Court or by the Police or by the Investigating Agency.”

The Apex Court is being conscious of the liberty of the citizens as categorized in **paragraph-B** as follows:-

“(B) Offences punishable with death, imprisonment for life, or imprisonment for more than 7 years.”

Considering the fact that the trial has not been concluded within one year, life and liberty of the petitioner cannot be put in peril.

Having regard to the observation made by the Apex Court in several judicial pronouncements as well as the progress of trial, the Court below is directed to enlarge the petitioner on regular bail subject to the condition that petitioner will appear on each date of trial fixed by the trial Court. The Trial Court is directed to produce all the remaining witnesses on the date fixed by the trial Court.

Considering the facts and circumstances of the case, let the above named 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 learned Sessions Judge (Sri Kumud Ranjan Singh), Khagaria, in connection with Beldaur P.S. Case No. 178 of 2020, Sessions Trial No. 253 of 2021, G.R. No. 1998 of 2020 subject to the condition as laid down under Section 438(2) of the Cr.P.C.

Considering the fact that the petitioner is accused for having committed murder, one of the bailor of the petitioner must be father of the petitioner, who who will file an affidavit before the learned Trial Court giving specific statement that he undertakes that the petitioner do not fall in bad company and also commit no any offence.

Subject to condition that the above named petitioner will appear before the concerned local Police Station every day for three months at 09:00 A.M. without fail and the concerned S.H.O. will submit monthly report of the attendance of above named petitioner to the Superintendent of Police, Khagaria.

(Purnendu Singh, J)

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