

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No.20044 of 2023

Arising Out of PS. Case No.-193 Year-2019 Thana- MANIYARI District- Muzaffarpur

DHEERAJ KUMAR @ PACHHU S/O LATE VINOD BHAGAT Resident of
Village- Basauli, P.S.- Kudhani, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Ms.Jyotsna Rani Mishra

For the Opposite Party/s : Mr.Dilip Kumar No. 1

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

- 4 02-08-2023 1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with Maniyari Police Station Case No. 193 of 2019, registered for the offences punishable under Sections 302/307/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. This is the third attempt on behalf of the petitioner for grant of regular bail. On the last occasion, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 11.05.2022, passed in Criminal Misc. No. 17403 of 2022, giving liberty to the petitioner to renew his prayer for bail after nine months from the date of the order, if the trial does not show any progress.
4. The allegation, as per the First Information Report, is that



the petitioner fired upon the father of the informant due to which he died in the hospital.

5. Learned Counsel for the petitioner submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 11.05.2022. She further submits that the petitioner is in custody since 22.10.2019. She further submits that the trial has not yet completed.
6. This Court, vide order, dated 29.03.2023, had called for a report from the learned District Court regarding the stage of the case and in pursuance of the said order, a report, dated 15.04.2023, has been submitted by learned 14th Additional Sessions Judge, Muzaffarpur, giving the estimated time for completion of trial as three months.
7. Taking into consideration the report of learned 14th Additional Sessions Judge, Muzaffarpur, this Court, by order, dated 24.06.2023, adjourned this matter for three months.
8. Today, when the matter was taken up, learned Counsel for the petitioner produced before this Court the certified copies of the order sheet of Sessions Trial No. 316 of 2022, which goes to show that no prosecution witness was in attendance and the doctor was to be examined by



the prosecution.

9. After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has remained in custody for more than three and a half years and the pendency of the trial for a long period, I am inclined to grant regular bail to the petitioner.

10. This application is, accordingly, allowed.

11. Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 14th Additional Sessions Judge, Muzaffarpur, in connection with Sessions Trial No. 316 of 2022/260 of 2022, arising out of Maniyari Police Station Case No. 193 of 2019.

12. 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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