

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20745 of 2023**

Arising Out of PS. Case No.-102 Year-2021 Thana- PATNA CITY CHOWK District- Patna

RAJA MALLIK @ SUNNY DOME @ SANNY MALIK @ RAJA MALIK  
S/O- Late Rajendra Mallick Mohalla- Mangal Talab Pani Tanki Ramdeo  
Mahto Ps- Chowk Patnacity Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Manish Kumar No2. Advocate

For the Opposite Party/s : Mr. Harendra Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH**  
**ORAL ORDER**

3      03-05-2023                      1. Heard learned counsel for the petitioner and  
learned APP for the State.

2. Petitioner seeks regular bail in connection with  
Sessions Trial No. 620 of 2021 arising out of Chowk (Patna  
City) P.S. Case No. 102 of 2021, dated 28.03.2021 registered for  
the offences punishable under Sections 302, 201, 120(B) and  
307 of the Indian Penal Code.

3. The main submissions advanced by petitioner's  
counsel are that the petitioner earlier preferred Cr. Misc.  
No.9239 of 2022 for the relief of regular bail which was rejected  
by this Court and now petitioner has come again before this  
court for the same relief mainly on two grounds, firstly, the  
petitioner has been languishing in jail for the last about two



years and two months and secondly, his trial has started and charge upon him has been framed and till date no progress has been made in his trial. Further submissions are that co-accused Prakash Kumar has been granted bail by a co-ordinate Bench of this Court vide order passed in Cr. Misc. No.22786 of 2022, in fact the deceased, who happened to be the son of the informant, slept on the basin at the time of washing his hands as a result of which his head dashed against the wash-basin due to which he received injury and consequently died and the informant is not the eye-witness of the alleged occurrence.

4. Learned APP appearing for the State has opposed the prayer for bail.

5. Heard both the sides. Though the petitioner's earlier bail prayer has been rejected by this Bench but now the petitioner has come again mainly on the ground of his long custody period as well as the change of stage of his case and in this regard the report sent by the trial court shows that the charge has been framed upon the petitioner on 18.01.2023 but till the date of sending the said report, neither the prosecution witness has turned up nor been examined which shows the lingering attitude of the prosecution in producing and examining the prosecution witnesses and one co-accused is on bail.



Considering the aforesaid facts and submissions made by the petitioner’s counsel, in my opinion petitioner’s second prayer for bail can be accepted. Accordingly, let the petitioner named- above be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial No. 620 of 2021, arising out of Chowk (Patna City) P.S. Case No. 102 of 2021.

**(Shailendra Singh, J.)**

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