

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30200 of 2023

Arising Out of PS. Case No.-91 Year-2021 Thana- IMADPUR District- Bhojpur

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DEEPAK KUMAR SINGH SON OF LATE RAMNATH SINGH R/O-
MOAPKALA, P.S.-IMADPUR, DISTT.-BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Bimal Kumar, Adv.

For the Opposite Party/s : Mr. Jitendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2023 Heard Mr. Ramakant Sharma, learned senior counsel

for the petitioner and Mr. R.K Singh learned counsel appearing

for the informant and also the learned A.P.P. for the State.

The petitioner seeks bail in connection with Imadpur
P.S. Case No. 91 of 2021 registered for the offence under Sections
147, 148, 149, 302, 504 and 506 of the Indian Penal Code and
Section 27 of the Arms Act.

The petitioner is alleged to have fired upon the father
of the informant causing injury to his waist as a result of which
he died during course of treatment.

Earlier the prayer for bail of this petitioner had been
rejected vide order dated 12.09.2022 passed in Cr. Misc. No.
16761 of 2022 considering the case of the petitioner on merit. A
second attempt seeking bail has also been made at the instance of



the petitioner assailing the same impugned order which was challenged in Cr. Misc. No. 16761 of 2022, accordingly, the same was withdrawn to move afresh before the court below. Now again the petitioner is before this Court seeking his release.

Learned senior counsel at the outset submits that the trial of the case is not yet started and the petitioner is rotting in judicial custody since 18.10.2021 i.e. more than one and half years. He further drawn the attention of this Court to the fact that similarly situated accused person namely, Bishwanath Singh, against whom allegation of firing is attributed, has already been granted bail by a co-ordinate Bench of this Court vide order dated 11.01.2023 passed in Cr. Misc. No. 2146 of 2023.

A report with regard to present stage of the trial has been called for by this Court vide order dated 10.05.2023 which has been received and forms part of this application at Flag-A dated 18.05.2023. On perusal thereof, it would reveal that the record is pending for hearing on the point of charge and the trial is likely to be concluded within further twelve months.

Learned senior counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future as because even the trial has not been begun.

Learned counsel for the informant as well as learned A.P.P. for the State has opposed the prayer for bail of the



petitioner.

Since the case of this petitioner has already been adjudicated on merit for the purpose of bail, this Court does not feel inclined to enter into the merit of the case for the purpose of bail in the successive bail application but to take note of the present stage of the trial which is yet to be started as per the report of the trial court and also the period of incarceration of the petitioner and considering the aforesaid fact direct that the, above named, petitioner be released on bail, **after framing of charge**, on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XIII, Bhojpur at Ara in connection with Imadpur P.S. Case No. 91 of 2021 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage,



it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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