

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32389 of 2023**

Arising Out of PS. Case No.-541 Year-2018 Thana- JAKKANPUR District- Patna

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ASHOK SINHA @ ASHOK KUMAR SINHA @ ASHOK KUMAR son of
Late Lala Hari Prasad Sinha Bihar

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Rahul Kumar
For the Opposite Party/s	:	Mr.Ahmad Ali

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 28-06-2023 Heard the parties.

Petitioner renews his prayer for regular bail in connection with Sessions Trial No. 90 / 2022 arising out of Jakkanpur PS Case No. 541 / 2018 corresponding to G.R. No. 7634 of 2018 dated 07-12-2018 registered under Sections 363, 365, 420, 379 of the IPC and later on Sections 328, 392, 302, 201, 414 & 34 of the IPC were added inasmuch earlier on the first occasion bail application of the petitioner was rejected vide Cr. Misc. No. 41173 / 2021 by order dated 21.04.2022 and on the second occasion the prayer for bail was dismissed as withdrawn on 02-11-2022 vide Cr. Misc. No. 57927 / 2022.

The allegation in nutshell is that the brother of the informant namely, Ashok Sah arrived at Patna from Hyderabad, called up his wife at about 9:20 PM informing her that he was



boarding in a bus at Meethapur Bus Stand but he did not reach his residence till late night, his mobile phone was found switched off and ultimately his brother was found dead in a hospital and it was detected that from the ATM Card of the deceased money was withdrawn at Meethapur Bus Stand and purchase of gold jewelries was made at Biharsharif.

Learned counsel for the petitioner submits since the date of last rejection of the bail application of the petitioner the trial has not progressed substantially and the petitioner is in custody since 24.06.2019 i.e. for four years. Learned counsel further submits that there is no likelihood that the petitioner will abscond or tamper with the evidence and co-accused / Sujeet Kumar was granted bail earlier by a Coordinate Bench of this court in Cr. Misc. No. 4472 of 2020 by order dated 09-07-2020.

This court vide its order dated: 17.05.2023 had called for a report regarding the stage of the trial from the court below and in pursuance thereof learned Addl. District & Sessions Judge- XXIV, Patna vide letter no. 73 dated : 29.05.2023 has furnished the report stating therein that out of twelve charge sheet witnesses; four witnesses have been examined and eight witnesses are yet to be examined.

Accordingly taking into consideration the period of



custody of the petitioner since 24-06-2019 i.e. for four years and the tardy progress of the trial, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000 /- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge XXIV, Patna in connection with Sessions Trial No. 90 / 2022 arising out of Jakkanpur P.S. Case No. 541 of 2018 on the condition that the petitioner shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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