

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32459 of 2023

Arising Out of PS. Case No.-129 Year-2015 Thana- MOTIPUR District- Muzaffarpur

RAM SAGAR RAM, aged about 50 years, (Male) S/o- KAYEEL RAM
Village- Sinduari Ganj Singh PS- Motipur Dist- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hari Kishore Thakur, Advocate

For the Opposite Party/s : Ms.Usha Kumari 1, App

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 17-05-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sessions Trial No.399/2016 arising out of Motipur P.S. Case No.
129 of 2015 dated 03.06.2015 registered for the offence(s)
punishable under Section(s) 147/148/149/341/342/379/324/307
and 302 of the Indian Penal Code and Sections 3(1)(x)/3(2)(v)
of the SC/ST Act.

3. The main submissions advanced by the learned
counsel for the petitioner are that the petitioner earlier
preferred Cr. Misc. Nos.66509 of 2018 and 43376 of 2022 for
the relief of regular bail which were rejected and vide order
dated 23.02.2023 passed in Cr. Misc. No.43376 of 2022, the
petitioner was given a liberty to renew his bail prayer, if



petitioner's trial is not concluded in the next two months from the date of that order and after passing of the said order, no progress in the petitioner's trial has taken place and even no single witness has been produced and examined by the prosecution and petitioner has been languishing in jail since 08.05.2018 and only two prosecution witnesses remain to be examined and petitioner will remain present, in person, on each date in his trial before the trial court and a land dispute in between the parties is stated to be the genesis of the occurrence which was not pre-planned and the petitioner has fair and clean antecedent and there is no allegation of tampering with the evidence of the prosecution by this petitioner till date.

4. Learned APP appearing for the State opposes the bail prayer.

5. Considering the above submissions and mainly taking into account the prosecution's lingering attitude in producing the remaining witnesses despite a direction given vide order dated 23.02.2023 passed in Cr. Misc. No.43376 of 2022 and also taking into account the petitioner's long judicial custody, in my opinion, in the present circumstances, the petitioner is entitled to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail in connection



with Sessions Trial No.399/2016 arising out of Motipur P.S. Case No. 129 of 2015 on furnishing bail bond of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the Court concerned with following conditions:-

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

(ii) 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.

(iii) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

Sanjay/-

U		T	
---	--	---	--

