

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45005 of 2023

Arising Out of PS. Case No.-306 Year-2017 Thana- DULHIN BAZAR District- Patna

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Dinesh Kumar @ Dinesh Mahto S/o- Ram Pawan Mahto Village- Lala
Bhadsara Ps- Dulhin Bazar Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Rikesh Sinha, Adv.

For the Opposite Party/s : Mr. Satyendra Nr. Singh, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 01-09-2023 Heard Mr. Riikesh Sinha, learned counsel appearing

on behalf of the petitioner and learned Additional Public

Prosecutor for the State.

2. The application for grant of bail to the petitioner,
who is in judicial custody, in connection with Sessions Trial No.
203 of 2022 arising out of Dulhin Bazar P.S. Case No. 306 of
2017, registered for the offences punishable under Sections
302/120(B)/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. This is the second attempt made on behalf of the
petitioner for grant of bail as his prayer for bail was earlier
rejected *vide* order dated 05.05.2022 in Cr. Misc. No. 50896 of
2021, after taking into consideration the specific nature of
accusation that the petitioner is the author of the fatal injury
caused to the deceased, apart from the fact that the petitioner is
involved in intimidating the witnesses.

4. While negating the prayer for bail of the petitioner,



liberty was granted to the petitioner to renew his prayer for bail after eight months and expectation was made from the learned Trial Court to ensure speedy disposal of the case.

5. Submission has been made on behalf of the petitioner that being aggrieved, the petitioner moved before the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s). 10200/2022 and *vide* order dated 07.11.2022, the same has been dismissed with a liberty to the petitioner to approach before the Sessions Court/High Court for grant of bail after six months. The aforesaid order has been brought on record by way of Annexure-1/C. He next submits that though the petitioner has been incarcerated since 06.01.2021, till date even charges have not been framed and, as such, there being no likelihood of conclusion of the trial in near future.

6. On the other hand, learned counsel for the State vehemently opposes the bail application and submits that the specific allegation of firing has been levelled against the petitioner causing death of the deceased.

7. Regard being had to the submissions made on behalf of the parties and considering the liberty given by this Court as well as the observation of the Hon'ble Supreme Court in Special Leave to Appeal (Crl.) No(s). 10200/2022 and the



fact that till date charges have not been framed though the petitioner is in custody for over a period of 2 years 7 months, let the petitioner, abovenamed, be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-III, Danapur, Patna in connection with Sessions Trial No. 203 of 2022 arising out of Dulhin Bazar P.S. Case No. 306 of 2017, subject to the condition that one of the bailors will be the own/close family members of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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