

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51895 of 2023

Arising Out of PS. Case No.-215 Year-2021 Thana- CHARPOKHARI District- Bhojpur

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UMESH SINGH Son of Late Mahendra Singh Resident of Village -
Agnuchak, Pritampur, P.S.- Charpokhari, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Amarendra Kumar, Advocate

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

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CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 15-09-2023 Heard learned Counsel for the petitioner and Mr.
Jitendra Kumar Singh, learned APP as also the informant.

2. The petitioner is in custody in connection with
Charpokhari P.S. Case No. 215 of 2021 in S.Tr. No. 96 of 2021
for the offence under Sections 341, 504, 307, 34 of the Indian
Penal Code and 27 Arms Act lodged on 07.12.2021 by the
informant, Golu Kumar.

3. In this case, a report was called for on 09.08.2023
which has since been received and as per the learned trial Court,
the charges were framed on 16.03.2023, summons issued, but no
witnesses examined. The letter is of 17.08.2023.

4. Learned Counsel for the informant appears and
submits that subsequently, one witness has been examined on
11.09.2023 and the next hearing is on 25.09.2023.



5. Learned Counsel for the petitioner submit that he will be appearing in trial diligently without fail and in case, is absent for even one day without assigning any reason, his bail bond may be cancelled by the trial Court itself.

6. Further submission is that he is in custody since 19.12.2021 (as stated in paragraph 12 of the petition) and having sympathetic with the informant.

7. Further, the submission is that without accepting the allegation and/or the outcome of the present petition in view of the fact that the informant side has alleged injuries, the petitioner on its own would like to contribute towards the medical assistance of Rs. 10,000/- through Demand Draft issued by the local State Bank of India branch to be submitted before the 'NAZARAT' of concerned Court to be handed over to the informant after checking the credentials.

8. Learned Counsel for the informant submits that once out of jail, he may delay the conclusion of the trial.

9. Taking into account the facts of the case as also the fact that there is no likelihood of the conclusion of the trial as per the report of the trial Court, is in custody since 19.12.2021, an undertaking has been given that he will be diligently appearing in trial on each and every date, this Court is inclined



to extend him the privilege of bail subject to payment of Rs. 10,000/- as undertaken by the learned counsel for the petitioner to be paid by Demand Draft of local State Bank of India to be submitted to the trial Court.

10. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned District and Sessions Judge-Xth, Bhojpur, Ara, in connection with Charpokhari P.S. Case No. 215 of 2021 in S.Tr. No. 96 of 2021 subject to the following conditions:

(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every month till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences,



failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

If the contention of the learned Counsel for the informant is correct and one witness has already been examined and the next witness is going to be examined on 25.09.2023, the trial Court is directed to expedite the trial and conclude the same within a period of nine months.

11. With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

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