

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53937 of 2023

Arising Out of PS. Case No.-121 Year-2016 Thana- PAKRIDAYAL District- East Champaran

RAKESH SINGH Son of Late Bholasingh Resident of village-Sirha, P.S.-
Pakridayal, District-East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Md.Kanchan Kumari, Adv.

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

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

3 06-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 181 of 2019 arising out of Pakridayal P.S. Case No. 121 of 2016 registered for the offence punishable under Sections 147,148,149,302,307,120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. There is allegation of indiscriminate firing by means of sophisticated arms, which has resulted in two persons being killed and a child sustaining firearm injury.

4. Earlier the petitioner's prayer for bail was considered twice. Cr. Misc. No. 10590 of 2020 was withdrawn by the petitioner since the trial had commenced and was progressing. The second bail application being Cr. Misc. No.



38671 of 2022 was considered on merits.

5. The petitioner had submitted that the co-accused had been allowed bail. The petitioner was not a resident of the area and was implicated on extraneous consideration. It was the specific case of the petitioner that his implication is counter blast to a criminal case lodged by him in the year 2002 against the prosecution parties. The Court, however, taking into consideration, the nature of allegations and the period of custody, had observed that since 04 out of 09 witnesses have been examined the trial should proceed expeditiously to attain finality within four (04) months preferably. It is, in this background, that the instant bail application has been filed.

6. The report from the learned Trial Court (19th Addl. District & Sessions Judge I/C, East Champaran, Motihari) manifest no further progress at the trial. Report dated 21-09-2023 is to the effect that five prosecution witnesses still remain to be examined.

7. The learned State counsel submits that the petitioner is a history sheeter having seven cases pending against him apart from the instant case. It is also submitted that the nature of allegations are such that the petitioner should not be allowed bail.



8. The submissions are required to be considered having regard to the custody of the period since 26-09-2018 (more than 05 years). The Court finds that there is no progress at the trial. It is also to be observed that co-accused have been allowed bail and, the petitioner's counsel is right in his submission that the seven cases, referred to as the antecedents, are all after the petitioner's implication in Pakridayal P. S. Case No. 121 of 2016, out of which the present bail application arises.

9. Considering the above facts, this Court, for the limited purposes of grant of bail, is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail is allowed.

10. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of the learned Additional District and Sessions Judge 19th East Champaran, Motihari, in connection with Pakridayal P.S. Case No. 121 of 2016, and S .T. No. 181 of 2019 subject to the following conditions:-

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to



how he is related with the petitioner. The bailor will also undertake to inform the Court if there is any change in the address of the petitioner.

(ii)That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

(Madhuresh Prasad, J)

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