

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49268 of 2023

Arising Out of PS. Case No.-57 Year-2022 Thana- MASHRAK District- Saran

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AJEET RAI @ AJIT RAI @ AJIT, aged about 41 years, Gender- Male, SON
OF LATE ACHHEYALAL RAI @ ACHCHHELAL RAY @ AKSHEYLAL
RAY, RESIDENT OF VILLAGE - SHERUKAHA, P.S. - MASHRAKH,
DISTRICT - SARAN

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR, PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Binod Kumar Sinha, Advocate

For the Opposite Party/s : Ms.Rita Verma, APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 02-08-2023 1. Heard learned counsel for the petitioner and the

learned APP for the State.
2. Petitioner seeks regular bail in connection with S.T.
No.66 of 2023 arising out of Mashrak P.S. Case No. 57 of 2022
dated 06.02.2022 registered for the offence(s) punishable under
Section(s) 341, 323, 307, 379, 325, 506/34 of the Indian Penal
Code and Section 27 of the Arms Act.
3. This is second attempt for the relief of regular bail
after his earlier prayer for the same relief was rejected by this
Court vide order dated 24.02.2023 passed in Cr. Misc. No.63856
of 2022.
4. The fresh grounds taken by the petitioner are the
framing of charge upon him and thereafter no progress in his



trial as well as his long custody period. It is submitted by learned counsel for the petitioner that the petitioner has been languishing in jail since 29.05.2022 and upon him the charges have been framed on 20.04.2023 but till date no prosecution witness has turned up which shows prosecution's slowness in producing the witnesses. It is further submitted that so far as the merit of this case is concerned, though as per allegation this petitioner inflicted a sword blow at the head of the informant but as per the allegation at the same time, co-accused Jawala Rai also inflicted a *dabh* blow at the head of the informant and as per informant's own statement made in the FIR the blow inflicted by co-accused Jawala Rai caused head injury to him, further it is not mentioned that the blow inflicted by this petitioner caused any injury to the informant and moreover on the head of the informant only one injury has been found as per his injury report which has been discussed in paragraph no.9 of the petition.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Heard both the sides. Though there is a serious allegation against this petitioner but considering his custody period as well as the start of his trial and slowness of the



prosecution in producing the witnesses, this Court is inclined to accept the bail prayer of the petitioner. Accordingly, let the petitioner named-above be enlarged on bail in connection with S.T. No.66 of 2023 arising out of Mashrak P.S. Case No. 57 of 2022 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.

(Shailendra Singh, J)

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