

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55433 of 2023

Arising Out of PS. Case No.-220 Year-2022 Thana- DIGHA District- Patna

SANJEEV KUMAR SON OF RAJENDRA PRASAD RESIDENT OF
VILLAGE- DURGA MANDIR JHAJHA BAZAR, PS- JHAJHA , DISTT-
JAMUI AT PRESENT RESIDENT OF SAI SHIVAM COLONY, PS-
DIGHA, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vaishnavi Singh

For the Opposite Party/s : Mr.Upendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Session Trial No. 733 of 2022 arising out of Digha P.S. Case No.
220 of 2022 registered for the offences punishable under Sections
302/34 of the Indian Penal Code.

3. As per prosecution case, there is allegation against
the petitioner and others to have committed the murder of
informant's sister by strangulating her neck.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 04.04.2022 and bears no criminal
antecedent. Charge sheet has been submitted in the case and there
is no likelihood of tampering with the prosecution evidence. He



further submits that the bail of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 38647 of 2022 on 24.01.2023 with an observation that if the trial is not concluded within six months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail. He further submits that since the date of rejection of the bail petition of the petitioner, seven months have already been lapsed but not a single witness has been examined in the said case. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 04.04.2022.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 162/2023 has sent its report which reveals that not a single witness has been examined.

7. Considering the facts and circumstances of the case, period of custody, trial is not concluded within the stipulated period of six months, delay of trial is not attributable to the



petitioner, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District and Session Judge – XI, Patna in connection with Session Trial No. 733 of 2022 arising out of Digha P.S. Case No. 220 of 2022, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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