

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57520 of 2023

Arising Out of PS. Case No.-236 Year-2021 Thana- RUPASPUR District- Patna

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KUNWAR RAJ SINGH @ KUWER RAJ SINGH @ KUMAR RAJ SINGH
SON OF BIPIN SINGH@ BIPIN KUMAR SINGH RESIDENT OF
VILLAGE- PAHLAGARH, PS- KADWA, DISTT- KATIHAR

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Aryan Singh

For the Opposite Party/s : Mr.Anish Chandra

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 06-10-2023 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. 1340 of 2022 arising out of Rupaspur P.S. Case
No. 236 of 2021 registered for the offences punishable under
Sections 417, 376, 313, 315, 504 and 506 of the Indian Penal
Code.

3. As per prosecution case, there is allegation against
the petitioner to have made physical relation with the victim. It is
further alleged that he forced victim for terminating pregnancy
several times. It is further alleged that petitioner left the victim in
lurch and intimated the victim that he is going to solemnize the
second marriage. It further alleged that petitioner threatened the
victim to kill.



4. Learned counsel for the petitioner submits that petitioner is in custody since 31.01.2022 and bears no criminal antecedent. Charge sheet has been submitted in this case and there is no likelihood of tampering with the prosecution evidence. He further submits that the bail prayer of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 33222 of 2022 on 16.01.2023 with an observation that the learned trial court is directed to conclude the trial within six months from the date of receipt/production of copy of this order to the court concerned. If the trial is not concluded within the stipulated period, the petitioner may renew his prayer for bail. He further submits that the present bail petition of the petitioner has been filed after near about nine months from the date of rejection of earlier bail prayer of the petitioner. He further submits that the trial is going at slow pace as it appears from this fact that since the date of rejection of bail prayer of the petitioner, only two witnesses have been examined. He further submits that delay of trial is not attributable to the present petitioner as he is in custody since 31.01.2022.

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 within six months, the petitioner may renew his prayer



for bail.

6. A report regarding stage of trial has been called for vide order dated 01.09.2023 and again vide order dated 15.09.2023 a reminder has been issued for sending the present stage of trial. The trial court vide letter no. 315 dated 16.09.2023 has sent its report which reveals that only two witnesses have been examined in this case and for production of rest of the witnesses, summons have been issued.

7. Considering the facts and circumstances of the case, period of custody, trial is not concluded within the stipulated period of six months and 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 A.D.J.-Ist, Danapur, Patna, in connection with Session Trial No. 1340 of 2022 arising out of Rupaspur P.S. Case No. 236 of 2021, 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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