

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61379 of 2023**

Arising Out of PS. Case No.-160 Year-2020 Thana- MAJORGANJ District- Sitamarhi

BIPIN SINGH @ VIPIN SINGH SON OF RAJKISHOR SINGH RESIDENT
OF VILLAGE - DUMRI KALA, P.S. - MEJORGANJ, DISTRICT -
SITAMARHI (BIHAR)

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shankar Kumar

For the Opposite Party/s : Mr.Ajit Kumar

**CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER**

3 21-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Majorganj P.S. Case No. 160 of 2020 corresponding to Sessions Trial No. 414 of 2022 registered for the offences punishable under Sections 302, 379, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner is said to have demanded Rs. 500/- as extortion money from the informant's husband. It is further alleged that on the instigation of his mother, petitioner thrashed the informant's husband on the road as a result of which informant's husband died. It is further alleged that key and mobile of informant's husband was also snatched.



4. Learned counsel for the petitioner submits that the occurrence took place on 14.10.2020 and the FIR has been lodged on 17.10.2020 as such sufficient time has been taken by the informant to fill the gap in prosecution story. In this way, the said fact cast doubt upon the authenticity of prosecution story and same cannot be trusted. He further submits that as per the FIR, informant was at Kolkata at the time of alleged occurrence. He further submits that in the impugned order itself it has been mentioned that charge has been framed on 30.01.2023 and trial is still pending on preliminary stage and no witness has been examined as yet. He further submits that delay of trial is not in any way attributable to the petitioner as petitioner is in custody since 02.02.2022. He further submits that pace of trial indicates that conclusion of trial in near future is bleak. Petitioner bears no criminal antecedent.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

6. Considering the facts and circumstances of the case, period of custody which is more than one and half year, keeping in view clean antecedent of petitioner, trial is not likely to be concluded in near future, argument advanced on behalf of 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 Sessions Judge-VII, Sitamarhi in connection with Majorganj P.S. Case No. 160 of 2020 corresponding to Sessions Trial No. 414 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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