

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64983 of 2023**

Arising Out of PS. Case No.-116 Year-2021 Thana- ARA MUFFSIL District- Bhojpur

DEEPESH KUMAR SINGH @ DEEPESH S/O RAS BIHARI SINGH R/O
VILLAGE- IJARI PIPARA, P.S- ARA MUFFASIL (O.P. DHOBAHAN),
DISTT.- BHOJPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ravindra Kumar
For the Opposite Party/s : Mr.Rajesh Kumar

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

3 03-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 212 of 2022 arising out of Ara Muffasil (Dhobaha O.P.) P.S. Case No. 116 of 2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, there is allegation that informant's husband was shot by unknown person and while he was taken to hospital, he died on the way.

4. Learned counsel for the petitioner submits that petitioner is languishing in custody since 31.03.2022 which is more than one and half year and bears criminal antecedent of



seven cases. He further submits that the bail prayer of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 36418 of 2022 on 17.01.2023 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, petitioner may renew his prayer for bail. He further submits that the present bail petition of the petitioner has been filed after eight and half months from the date of rejection of his previous bail prayer and only one prosecution witness has been examined out of ten prosecution witnesses. He further submits that the delay of trial is not attributable to the present petitioner as he is in custody since 31.03.2022.

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. 34/2023 has sent its report which reveals the



case is pending at the stage of prosecution evidence and out of ten prosecution witnesses, one prosecution witness has been examined.

7. Considering the facts and circumstances of the case, period of custody undergone by the petitioner is more than one and half year, 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 Sessions Judge – 10th, Bhojpur, Ara in connection with Sessions Trial No. 212 of 2022 arising out of Ara Muffasil (Dhobaha O.P.) P.S. Case No. 116 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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