

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63613 of 2022

Arising Out of PS. Case No.-1 Year-2016 Thana- DORIGANJ District- Saran

=====

MUKESH PATEL @ VISHAL JEE @ VISHAL @ RAHUL JEE @ RAHUL
SON OF SURENDRA PATEL R/O VILL.- SUBHAIGARH, P.S.-
RUNNISAIDPUR, DISTT.- SITAMARHI

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Sunil Prasad Singh

For the Opposite Party/s : Mr.Binod Kumar

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 18-01-2023 Heard the parties.

Petitioner seeks regular bail in connection with
S.Tr. No. 12 / 2019 arising out of Doriganj P.S. Case No. 01
of 2016 registered under Section 387 / 427 / 506 / 120 (B)
of the I.P.C., Section 3 / 4 / 5 of the Explosive Substance
Act, Section 17 of the C.L.A. Act and Section 10 / 13 / 16 /
17 / 18 / 20 of the U.A.P. Act.

This is third attempt for bail on behalf of the
petitioner inasmuch as on earlier two occasions bail
application of the petitioner was rejected *vide* Cr. Misc. No.



20245 / 2019 by order dated 27.11.2019 & Cr. Misc. No. 32228 / 2021 by order dated 22.03.2022 respectively by this Court. While considering the bail of the petitioner for the 2nd time and rejecting the same, this Court had granted liberty to the petitioner to renew his prayer for bail after six months if the trial does not show any progress. At the time of hearing of the previous bail application for the second time, this Court had called for a report regarding the stage of the trial and in pursuance thereof report was submitted and it was informed that out of ten charge-sheet witnesses none has been examined. The trial court had given the estimated time for conclusion of the trial within a period of six months.

The petitioner has been made accused along with other persons for demanding extortion money from a construction company, carrying out public work in the area, where the petitioner along with others have been carrying out anti-national activities. The name of the petitioner has come on the basis of the confessional statement of the co-accused / Dilip Manjhi.

Learned counsel for the petitioner relies upon



Annexure – 3 to the bail application and submits that one of the co-accused persons has been granted bail by a Co-ordinate Bench of this Court vide Cr. Misc. No. 46278 / 2016 by order dated 19.12.2016.

This court *vide* its order dated 21.12.2022 has called for a report regarding stage of the trial and explanation and in pursuance of the same, report as well as explanation have been submitted by the learned Addl. Sessions Judge-IX, Saran, Chapra. The explanation submitted is accepted. Insofar as the stage of the trial is concerned, it transpires from the report that none of the witnesses has been examined and the trial has not progressed from the date of last rejection of the bail application of the petitioner. The petitioner is in custody since 23.05.2018 and trial is not likely to be concluded in near future. Accordingly, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 25,000 /- (twenty five thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge-X, Saran in



connection with S. Tr. No. 12 / 2019 arising out of Doriganj
P.S. Case No. 01 / 2016 on the condition that the petitioner
shall remain physically present on each and every date
during the course of trial and in case of default on two
consecutive dates, his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

praful/-

U		T	
---	--	---	--

