

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.71637 of 2023

Arising Out of PS. Case No.-36 Year-2020 Thana- ARIYARI District- Sheikhpura

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Mukesh Ram Son Of Late Ramdeo Ram Resident Of Village- Kemera, Ps-
Ariari, Distt- Sheikhpura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Dr. Anjani Pd. Singh
For the Opposite Party/s : Mr.Tapeshwar Sharma

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 24-11-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.Tr.
No. 87/2023 arising out of Ariari P.S. Case No. 36/2020
registered for the offences punishable under Sections 341, 323,
325, 307, 504, 506, 448/34 of the IPC and Section 27 of the
Arms Act.

3. As per prosecution case, there is allegation against
the petitioner who fired on Rajeev Ram causing injury below
the elbow of right hand.

4. Learned counsel for the petitioner submits that the
petitioner is in custody since 22.06.2022 which is more than 1



year and 6 months. Petitioner bears no criminal antecedent. It is further submitted that earlier bail of the present petitioner has been rejected vide Cr. Misc. No. 42673/2022 vide order dated 16.11.2022 with an observation that the petitioner may renew prayer of bail after nine months from the date of receipt/production of copy of this order to the court concerned, if there is no substantial progress in the proceeding of trial within the stipulated period. It is further submitted that he has filed the present bail petition after ten months from the date of rejection of his previous bail prayer. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 22.06.2022.

5. The learned A.P.P. for the State vehemently 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 nine 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. 99/2023 has sent its report which reveals that out of six charge-sheeted witnesses, one witness has been examined



and five charge-sheeted witnesses including doctor and informant are yet to be examined.

6. Considering the facts and circumstances of the case, period of custody undergone by the petitioner which is more than one year and six months, trial is not concluded within the stipulated period of nine months, delay of trial is not attributable to the petitioner, arguments 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 District and Sessions Judge, Sheikhpura, in connection with S.Tr. No. 87/2023 arising out of Ariari P.S. Case No. 36/2020 , subject to the 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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