

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73693 of 2023

Arising Out of PS. Case No.-463 Year-2021 Thana- GHORASAHAN District- East
Champaran

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1. ARUN SINGH SON OF JAMADAR SINGH R/O VILLAGE -SATHAURA, P.S.- GHORASAHAN (JITNA O.P.), DISTRICT- EAST CHAMPARAN
 2. KAMESHWAR SINGH SON OF LATE RAJA SINGH R/O VILLAGE -SATHAURA, P.S.- GHORASAHAN (JITNA O.P.), DISTRICT- EAST CHAMPARAN
 3. DHANANJAY SINGH SON OF LATE RAJA SINGH R/O VILLAGE -SATHAURA, P.S.- GHORASAHAN (JITNA O.P.), DISTRICT- EAST CHAMPARAN
 4. SURAJ KUMAR @ SURAJ KUMAR SINGH @ SURAJ SINGH SON OF SHIVNATH SINGH R/O VILLAGE -SATHAURA, P.S.- GHORASAHAN (JITNA O.P.), DISTRICT- EAST CHAMPARAN
 5. GOLDEN SINGH SON OF SHIVNATH SINGH R/O VILLAGE -SATHAURA, P.S.- GHORASAHAN (JITNA O.P.), DISTRICT- EAST CHAMPARAN
 6. ARJUN SINGH SON OF LATE RAMAGYA SINGH R/O VILLAGE -SATHAURA, P.S.- GHORASAHAN (JITNA O.P.), DISTRICT- EAST CHAMPARAN

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Singh, Adv.
For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 01-12-2023 1. Heard learned counsel for the petitioners and learned APP for the State.
2. Petitioners seek regular bail in connection with Ghorasahan (Jitna) P.S. Case No. 463/ 2021 dated 26/10/2021 registered for the offence(s) punishable under Section(s) 147,



148, 149, 447, 448, 341, 342, 307, 364, 302, 120B of the Indian Penal Code and under Sections 25(1-b)a, 27, 35 of the Arms Act.

3. This is second attempt of the petitioners for the relief of regular bail after the petitioners' earlier attempt for the same relief was rejected by this Bench vide order dated 15.02.2023 passed in Cr. Misc. No. 45566 of 2022 and other analogous cases preferred by these petitioners.

4. It is submitted by the learned counsel for the petitioners that the petitioners have come again for the relief of regular bail mainly in the light of the liberty given to them in the earlier rejection order to renew their bail prayer if any significant progress is not made in respect of their trial in the next six months and in the light of the said liberty they have again come before this court for relief of regular bail as till date no progress has been made in their trial. Further submissions are that upon the petitioners charges have been framed on 02.05.2023 but thereafter no prosecution witness has turned up till date which shows lingering attitude of the prosecution in producing and examining the prosecution witnesses and so far as the allegation is concerned, petitioners are said to be members of the mob which committed the alleged offence and



against them, in respect of occurrence of firing there is no specific allegation against them and on account of love marriage, as mentioned in the FIR, the informant's father, grand father and cousin brother may be deemed to be annoyed but the petitioners who are agnates of the informant cannot be deemed to be annoyed so there was no reason for them to be involved in the alleged crime.

5. Learned APP appearing for the State opposes the bail prayer.

6. Heard both the sides. Though against the petitioners, there is serious allegation, however considering their custody period and mainly the prosecution's lingering attitude in producing and examining the witnesses, as pointed out by learned counsel for the petitioners, and charges have been framed upon the petitioners but till date no prosecution witness has been examined and petitioners are said to be agnates of the informant, in my opinion, in the said circumstances, now the petitioners deserve to the privilege of bail. Accordingly, let the petitioners named-above be released on bail in connection with Ghorasahan (Jitna) P.S. Case No. 463/ 2021 on furnishing bail bond of Rs.10,000/-(Ten Thousand) each with two sureties of the like amount each to the satisfaction of the Court concerned



on the following conditions:-

(i) Petitioners shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial Court and shall remain physically present as directed by the trial Court and on their absence on two consecutive dates without sufficient reason, their bail bond shall be cancelled by the trial Court.

(ii) If the petitioners tamper with the evidence or the witnesses, in that case the prosecution will be at liberty to move for cancellation of bail.

(iii) One of the bailers shall be close relative of the petitioners who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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