

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.74616 of 2023**

Arising Out of PS. Case No.-133 Year-2019 Thana- MUSAHARI District-
Muzaffarpur

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GAURI SHANKAR SINGH @ MANGRA @ MANGAR Son of Late Nand
Kishor Singh VILLAGE CHHAPRA MEGH, P.S. MUSHARI, DISTRICT
MUZAFFARPUR

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Mukesh Kant

For the Opposite Party/s : Mr.Md. Ataur Rahman

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 08-12-2023 Heard Mr. Mukesh Kant, learned counsel for the

petitioner and Md. Ataur Rahman, learned A.P.P. for the State.

The petitioner seeks bail in connection with

Sessions Trial No. 110 of 2019 arising out of Mushahari

P.S. Case No. 133 of 2019 registered for the offence under

Sections 302/34 of the Indian Penal Code.

The petitioner along with other are alleged to have

assaulted the victim with lathi, Danda and iron rod, as a

result of which, the victim became seriously injured and died

ultimately.

Earlier the prayer for bail of this petitioner has

thrice been rejected. For the first time vide order dated



19.06.2020 passed in Cr. Misc. No. 9907 of 2020 and on second occasion vide order dated 19.01.2021 passed in Cr. Misc. No. 3812 of 2021 and on the third occasion vide order dated 19.10.2022 passed in Cr. Misc. No. 36149 of 2022, considering the case of the petitioner on merit after the withdrawal of his fourth prayer vide order dated 01.04.2022 in Cr. Misc. No. 63187 of 2021. Thereafter the petitioner has approached before the Hon'ble Apex Court vide Special Leave Petition (Criminal) Diary No. 37977 of 2022 which was rejected on 23.01.2023 with observation that if the trial is not completed within a period of six months from this date, the petitioner would have the liberty to filing an application before the trial court seeking for bail. This is the fifth occasion, the petitioner has renewed his prayer for bail before this Court on the ground of stage of the trial.

Since the prayer for bail of the petitioner has already been adjudicated on the merit, this Court while entertaining the fifth application for prayer for bail of the petitioner, a report with regard to present stage of the trial was called for by this Court vide order dated 10.11.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that the



altogether four witnesses have been examined including the doctor and rest of the witnesses are yet to be examined.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 18.11.2019 i.e more than four years.

Considering the facts and circumstances of the case and the present stage of the trial and the period of custody, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned 13th Additional Sessions Judge, Muzaffarpur in connection with S.Tr. No. 110 of 2020 arising out of Mushahari P.S. Case No. 133 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates without sufficient reason, his/her bail bond shall be canceled by the Court below.



(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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