

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3418 of 2023

Arising Out of PS. Case No.-175 Year-2018 Thana- BELSAND District- Sitamarhi

MONU SINGH Son of Late Rajendra Singh R/v- Bhorhan, P.S.- Belsand,
District- Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Pushpendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

6 02-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for bail in connection with Sessions Trial no. 322 of 2019 (arising out of Belsand P.S. Case No. 175 of 2018) registered under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is said to have assaulted the informant's brother leading to his death. .

4. It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 4.9.2019 passed in Cr. Misc. no. 38030 of 2019 and order dated 25.8.2021 passed in Cr. Misc. no. 18109 of 2021. In spite of the petitioner having remained in custody since 3.12.2018, only six witnesses have been examined



on behalf of the prosecution inspite of there being mention of 24 witnesses in the charge sheet. There is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial.

5. Heard learned APP for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the FIR, the petitioner having remained in custody for 4 years 7 months since 3.12.2018 and only six witnesses having been examined on behalf of the prosecution, last witness having been examined as far back as on 15.3.2022 and there being total of 24 charge sheet witness, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 322 of 2019 (arising out of Belsand P.S. Case No. 175 of 2018) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge XV, Sitamarhi subject to the following conditions :

(i) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

(ii) In case of the petitioner's absence on any date for reasons not to the satisfaction of the learned Trial Court or in



case the learned Trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned Trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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