

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4765 of 2023

Arising Out of PS. Case No.-40 Year-2021 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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LAL BABU RAM S/O GANGA RAM Resident of village- Tori, P.S.-
Bhagwanpur, District- Kaimur at Bhabua.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Pawan Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rabindra Kumar, A.P.P.
	:	Mr. Uma Shankar Prasad Singh, A.P.P.
For the Informant	:	Mr. Kumar Sunil, Advocate

21.07.2021

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 22-03-2023 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the informant

Mr. Kumar Sunil.

The petitioner seeks bail in a case registered for

the offences punishable under Sections 341, 323, 307 and

34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the

petitioner is in custody since 21.07.2021 and is a person

with clean antecedent.

Learned counsel for the petitioner submits that by

order dated 25.04.2022 in Cr. Misc. No. 58914 of 2021, the

regular bail of the petitioner was rejected by observing that



for the present the Court is not inclined to grant bail to the petitioner. It is further submitted that a specific submission was made by the learned counsel for the informant that he undertakes that all the non-official witnesses would be examined in the trial and will make endeavors for concluding the trial within seven months.

Learned counsel next submits that even the learned Trial Court was directed to complete the trial within seven months and the DM and S.P. Kaimur were directed to ensure that the official witnesses appear in the trial as and when required by the learned Trial Court. It is further submitted that liberty was granted to the petitioner to renew his prayer before the Trial Court, in the event, the trial is not completed within seven months, further the learned Trial Court was also directed to pass a reasoned order taking independent decision if he comes to a conclusion that the trial was not delayed on account of the accused persons including the petitioner.

It is next submitted that from bare perusal of the order dated 06.12.2022, passed in Session Trial No. 64 of 2022 arising out of Bhagwanpur P.S. Case No. 40 of 2021,



it would manifest that the learned Trial Court has not even whispered that as to whether why the trial was not completed within seven months whether the petitioner was responsible for the same, nor the order records that the DM and S.P. Kaimur did not cooperate in the trial by not sending the official witnesses for deposing when called by the Court.

The learned counsel thus submits that the order impugned ought to have reflected whether the official witnesses were summoned by the learned Trial Court or not.

The learned counsel for the informant appears and opposes the bail application but is not in a position to rebut the submissions of the learned counsel for the petitioner.

The Court expresses its displeasure in the manner the learned Trial Court has proceeded to deal with the bail petition of the petitioner.

Learned A.P.P. for the State opposes the prayer for bail of the petitioner.

Considering the fact that the petitioner is in custody and is a person with clean antecedent and is in custody since 21.07.2021, 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 the learned court below where the case is pending/successor court in connection with Bhagwanpur P.S. Case No. 40 of 2021.

In the event, if the learned trial Court comes to a conclusion that the petitioner after his release is trying to delay the trial in any manner, the court below shall forthwith cancel his bail bonds after recording reasons and shall take all coercive steps to ensure that petitioner is behind bars.

(Satyavrat Verma, J)

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