

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.5337 of 2023

Arising Out of PS. Case No.-178 Year-2017 Thana- DIDARGANJ District- Patna

=====

Mritunjay Singh @ Sanjay Kumar Singh Son of Awadesh Singh Resident of
Village- Kanchan Tola/Bank Tola Shri Nagar, Fatehpur, P.S.- Didarganj,
District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Jay Ram Prasad, Advocate
For the Opposite Party/s : Mr. Ram Sevak Choudhary, APP

=====

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 08-08-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since
21.09.2020 in connection with Sessions Trial No. 52 of 2020
arising out of Didarganj P.S. Case No. 178 of 2017, F.I.R. dated
04.11.2017 registered for the offences punishable under
Sections 302/34 of the Indian Penal Code.

3. As per F.I.R., allegation is that co-accused persons
namely Vinod Singh, Rudal Singh and Awadhesh Singh caught
hold of the brother of the informant and Mritunjay Singh
assaulted with knife on right side of his chest, as a result of
which he died.

4. Learned counsel for the petitioner submits that the



petitioner has clean antecedent and he has been falsely implicated in the present case.

5. Earlier the bail petition of the petitioner was rejected vide order dated 15.07.2021 passed in Cr. Misc. No. 7005 of 2021 and again the application of the petitioner was dismissed for default vide order dated 27.07.2022 passed in Cr. Misc. No. 10215 of 2022 and thereafter the petitioner has filed the present bail petition.

6. Vide order dated 21.06.2023, a report was called for with regard to the stage of the trial. Report dated 28.07.2023 of the learned Trial court reveals that charge has been framed against the petitioner on 26.05.2023 and out of eleven chargesheeted witnesses, the prosecution has not examined any witness as yet.

7. Learned counsel for the petitioner submits that in view of the report of the learned Trial court, the trial is not concluded in near future and the petitioner is in custody since 21.09.2020.

8. Learned APP for the State, on the other hand, vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and the petitioner has assaulted the brother of the



informant with knife on right side of his chest, as a result of which brother of the informant died but fairly submits that the report of the learned Trial court reveals that the trial is not in progress.

9. Considering the aforesaid facts and circumstances of the case as well as the report of the learned Trial court and the period of custody, 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 1st Additional Sessions Judge, Patna City, Patna in connection with Sessions Trial No. 52 of 2020 arising out of Didarganj P.S. Case No. 178 of 2017, subject to 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 absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) 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 antecedents, 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)

Ibrar//-

U		T	
---	--	---	--

