

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25938 of 2024

Arising Out of PS. Case No.-495 Year-2021 Thana- BYPASS District- Patna

Monu Patel S/o Late Kalyan Singh R/o Mohalla Jajak Toli Nai Sadak PS
Chowk Dist Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rudra Deo, Advocate

For the Opposite Party/s : Mr. Kalyan Shankar, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 05-07-2024 Heard Mr. Rudra Deo, learned counsel for the
petitioner and Mr. Kalyan Shankar, learned APP for the State.

2. Petitioner seeks bail, who is in custody since 29.05.2022, in connection with Sessions Trial No. 1065 of 2023 arising out of Bypass P.S. Case No. 495 of 2021, F.I.R. dated 18.12.2021 registered for the offences punishable under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Earlier the bail petition of the petitioner was rejected vide order dated 05.09.2023 passed in Cr. Misc. No. 21434 of 2023.

4. Learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in the present case. Learned counsel for the petitioner further submits



that the petitioner is not named in the F.I.R. and the name of the petitioner has been transpired during investigation on the basis of self confessional statement of the petitioner which was recorded in Chowk P.S. Case No. 149 of 2022 and till date no test identification parade was conducted by the prosecution and except the self confessional statement of the petitioner, no other cogent material has come during investigation to suggest the involvement of the petitioner in the present occurrence. Further submits that although charge has been framed against the petitioner on 07.11.2023 but till date prosecution has not examined any witness.

5. Vide order dated 19.04.2024 a report was called for with regard to the stage of the trial. Report dated 24.06.2024 of the learned Trial Court reveals that out of six chargesheeted witnesses, prosecution had not examined any witness as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, there is no chance of early conclusion of the trial in near future and the petitioner is in custody since 29.05.2022 more than two years.

7. Learned APP for the State, on the other hand, has opposed the prayer for bail of the petitioner and submits that the petitioner carries fourteen more cases other than the present one



but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in eleven cases and in three cases is pending for consideration before the competent court of law.

8. Considering the aforesaid facts and circumstances of the case as well as the report of the learned Trial Court, 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 Additional Sessions Judge-III, Patna City, Patna in connection with Sessions Trial No. 1065 of 2023 arising out of Bypass P.S. Case No. 495 of 2021, 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)

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