

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35588 of 2024

Arising Out of PS. Case No.-455 Year-2020 Thana- PATLIPUTRA District- Patna

Simant Kumar @ Bittu Son of Dilip Kumar, Resident of Mohalla-Bajrangballi, Near Hanuman Mandir, Mainpura, Police Station- Patliputra, Dist.- Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Aryan Singh, Advocate
For the Opposite Party : Mr. Bhanu Pratap, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

- 3 19-07-2024 Heard the learned counsel for the petitioner and Mr. Bhanu Pratap, the learned Additional Public Prosecutor for the State.
2. Petitioner seeks regular bail who is in custody since 28.01.2021, in connection with Sessions Trial No. 591 of 2021, arising out of Patliputra P.S. Case No. 455 of 2020, FIR dated 04.12.2020, registered for the offences punishable under Section 302 read with 34 of the Indian Penal Code and under Section 27 of the Arms Act.
3. Earlier the petitioner has moved before this Hon'ble Court in Cr. Misc. No. 8334 of 2022, which was rejected vide order dated 27.09.2022.
4. According to the prosecution case, the co-accused



persons along with the petitioner abused the husband of the informant and the petitioner shot five to six times from a pistol upon the informant's husband due to which he later died.

5. Learned counsel for the petitioner submits that although there is specific allegation against the petitioner, the petitioner is in custody since 28.01.2021 and charge has already been framed on 03.11.2023, but trial is not in progress.

6. Vide order dated 21.06.2024, a report was called for with regard to the stage of the trial and report dated 10.07.2024 of the learned trial Court reveals that out of five chargesheeted witnesses, only one witness has been examined partially.

7. 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 28.01.2021.

8. The learned Additional Public Prosecutor for the State on the other hand has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the victim. Apart from that, petitioner is accused in two criminal antecedents other than the present one, but fairly admits that on



the basis of paragraph no. 3 of the bail petition that petitioner is on bail in the pending matters.

9. Considering the aforesaid facts and circumstances, the report of the learned trial Court and petitioner's period of custody, let the petitioner, above-named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees ten Thousand only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XVII, in connection with **Patliputra P.S. Case No. 455 of 2020**, subject to the following conditions:

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

(ii). 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.

(iii). And further condition that the learned trial Court 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 learned trial Court 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.

(iv) One of the bailors should be the father of the petitioner.

(Rajesh Kumar Verma, J)

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