

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35135 of 2024

Arising Out of PS. Case No.-19 Year-2022 Thana- KHAJANCHI HAT District- Purnia

Keshav Kumar Jha son of Shri Lalit Jha Resident of Marwari Dharamshala
P.S- Naugachia District- Bhagalpur at present residing Bhagwa P.S- Simri
Bakhtiyarpur Dist- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. N.K. Agrawal, Sr. Advocate

Mr. Saket Tiwary, Advocate

For the Opposite Party/s : Mrs. Suman Kumari Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 08-07-2024 1. Heard learned counsel for the petitioner and the
learned APP for the State.

2. Petitioner seeks regular bail in connection with
Sessions Trial No. 132 of 2023 arising out of K. Hat P.S. Case
No. 19 of 2022 dated 06.01.2022 registered for the offence
punishable under Sections 302 and 120B of the Indian Penal
Code and under Section 27 of the Arms Act.

3. Mr. N.K. Agrawal, learned senior counsel for the
petitioner submits that the petitioner earlier approached before
this Court for the relief of regular bail filing Cr. Misc. No.
42438 of 2022 which was rejected vide order dated 24.03.2023
with giving liberty to the petitioner to renew his bail prayer after
one year, if no significant progress is made in his trial and



thereafter a period of more than one year has passed but till date out of eight prosecution witnesses, only three have been examined which shows the slowness of prosecution in producing and examining the prosecution witnesses. Further submission is that as per the FIR the petitioner is not said to be the assailant, the main allegation of causing fire arm injury to the deceased is against co-accused Shyamal Singh and as per prosecution the petitioner's presence was found on the basis of CCTV footage, which was mainly taken into consideration by this Bench while rejecting the petitioner's earlier bail prayer. It is further submitted that the petitioner is not named in the FIR and languishing in jail since 23.01.2022 and he has been dragged in this matter due to political rivalry. It is further submitted that as per prosecution, the motorcycle used in the alleged crime is said to have been recovered from the petitioner but the prosecution has failed to establish the connection between the recovered motorcycle to the motorcycle which was allegedly used in the alleged crime as per the FIR.

4. Mrs. Suman Kumari Singh, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly taking into account the petitioner's custody period which has



been more than two years and the slowness of the prosecution in producing and examining the prosecution witnesses as stated above, this Court is now inclined to release the petitioner on bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs.10,000/-(Ten Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in connection with Sessions Trial No. 132 of 2023, arising out of K. Hat P.S. Case No. 19 of 2022.

(Shailendra Singh, J)

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