

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38362 of 2024

Arising Out of PS. Case No.-99 Year-2021 Thana- MUSRIGHRARI District- Samastipur

Suraj Kumar Singh, Son of Ram Kishor Singh, Resident of Village - Barbatta,
P.S.- Mushrigharari, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ashok Kumar Jha, Advocate
For the State	:	Mr.Abhay Kumar, APP
For the Informant	:	Mr. Mukesh Kumar-1, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

9 29-11-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 182/2022, arising out of Musarigharari P.S. Case No. 99 of 2021, registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the son of the informant was shot dead by unknown miscreants and later on, the informant came to know that the petitioner was also involved in the murder of his son.

4. The learned counsel for the petitioner submits that this is the third attempt of the petitioner to seek bail from this Court as his earlier prayer for bail was rejected twice by this



Court vide orders dated 07.12.2022 & 28.06.2023 passed in Cr. Misc. Nos. 10735 of 2022 & 33525 of 2023, respectively. The learned counsel further submits that the petitioner is in custody since 31.08.2021 and though, all witnesses, except one Investigating Officer, have been examined, but there is no possibility of early conclusion of trial since it has been submitted before this Court by the Superintendent of Police, Samastipur that the last witness, i.e., the Investigating Officer, was bedridden and he was not in a position to depose. The learned counsel further submits that there is no eye witness to the alleged occurrence. The FIR has been lodged after delay of four days. The occurrence took place on 10.08.2021, the postmortem has been conducted on the same day and after postmortem examination and preparation of inquest report, the present FIR came to be lodged on 13.08.2021. During this intervening period, none came forward to show anything about the involvement of the petitioner and other persons in the present case. The petitioner has been falsely implicated by the police making the disclosure statement of co-accused basis and showing recovery of some firearm from the house of the petitioner. But the said firearm has never been sent to the ballistic expert to prove that it was the same firearm which was used for the murder of the son of the informant. The co-accused



person, namely Md. Amir, with similar allegation, has been granted bail by this Court. Against this petitioner and co-accused, allegation is that of opening fire on the son of the informant. The learned counsel reiterates that considering the long incarceration and no chance of early conclusion of trial, the petitioner may be enlarged on bail. The learned counsel also submits that the petitioner is having clean antecedent.

5. The submission of learned counsel for the petitioner is opposed by the learned counsel for the informant as well as learned APP for the State. The learned counsel for the informant vehemently contends that all the witnesses have been examined except one of the Investigating Officers, who met with an accident and has not been able to depose before the learned trial court. The learned counsel further submits that this is the third attempt of the petitioner to seek bail and there is serious allegation against the petitioner for firing upon the son of the informant.

6. Perused the records.

7. Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the slow pace of the trial and no likelihood of its conclusion in near future and further considering the period of custody of the petitioner along with his clean antecedent, he is directed to 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 learned Additional Sessions Judge-IX, Samastipur/court concerned, in connection with Sessions Trial No. 182 of 2022, arising out of Musrigharari P.S. Case No. 99 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

V.K.Pandey/-

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(Arun Kumar Jha, J)

