

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56633 of 2024

Arising Out of PS. Case No.-373 Year-2022 Thana- FATUA District- Patna

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Dharmendra Singh @ Dharmendra Kumar, son of Vasudeo Singh, Resident of
Village-Sukulpur P.S.- Didarganj Dist.- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr. Arun Tiwari, Advocate

For the Opposite Party/s : Mr. Ram Bilash Roy Raman, APP

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 20-09-2024 It is submitted by learned counsel that on earlier occasion, the prayer for bail of the petitioner was rejected by one of the learned co-ordinate Bench of this Court through Cr. Misc. No.36285 of 2023 dated 19.01.2024 with a direction to the learned trial court as to take all possible steps to conclude the trial at its earliest. It is submitted that despite of aforesaid direction, till date, not even a single prosecution witness has been examined in this case.

2. Taking note of the aforesaid, a report was called for from the learned trial court regarding stage of trial. In compliance of the aforesaid order, a report was made available to this Court through letter No.158 dated 12.08.2024 from which, it appears that out of eight



prosecution witnesses, not even a single charge-sheet witness was examined till date.

3. It is submitted by learned counsel that the delay in conclusion of trial is for the reason that the father of deceased namely, Amar Nath Rai, who is also one of the witness of the present case lodged an informatory petition bearing No.2524/2022 before the court learned A.C.J.M.-I, Patna under Section 39 of the Code of Criminal Procedure that he might be killed due to property dispute, where he categorically named his father-in-law (informant of this case) and brother-in-law. Subsequent to filing of the informatory petition, the father of deceased was murdered, for which, Didarganj P.S. Case No.315 of 2022 was lodged by brother of the deceased, who is also the uncle of the deceased of the present case. It is pointed out that the informant of this case is the main accused in Didarganj P.S. Case No.315 of 2022. It is submitted that for all such reasons, the conclusion of trial in present case is a remote aspect.

4. Considering aforesaid, it is submitted by learned counsel that the petitioner is in custody since



26.05.2022 i.e. about more than two and half years, where trial is not likely to be concluded in near future and certainly for want of trial, the petitioner cannot be kept behind the bar for indefinite period as same is amounting to violation of his fundamental right as available under Article 21 of the Constitution of India. In support of his submission, learned counsel relied upon the legal report of Hon'ble Supreme Court as available through **Javed Gulam Nabi Shaikh vs. State of Maharashtra and Anr. [2024 SCC OnLine SC 1693]**.

5. In view of aforesaid facts and circumstances, as the petitioner remains in custody since 26.05.2022 i.e. for about two and half years, where trial is not likely to be conclude in near future, accordingly, the petitioner, above-named, is directed to 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 the learned A.D.J.-IV, Patna City in connection with Tr. No.1164 of 2023 arising out of Fatuha P.S. Case No.373 of 2022, subject to the conditions as laid down under Section 437(3)



of the CrPC/under Section 480(3) of the BNSS and with
further condition:-

That petitioner shall co-operate in the trial
and shall be physically present on each and
every date before the Trial Court till conclusion
of the trial and exemption from physical
appearance be allowed by the Trial Court only
on medical ground of the petitioner duly
supported by the documents.

(Chandra Shekhar Jha, J.)

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