

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53493 of 2024

Arising Out of PS. Case No.-1362 Year-2022 Thana- DANAPUR District- Patna

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ROHIT KUMAR S/O LATE PAPPU YADAV @ AJAY RAY R/O
DHOBITOLA, P.S- DANAPUR, DISTT.- PATNA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Vivekanand Singh

For the Opposite Party/s : Mr.Uday Chand Prasad

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 31-08-2024 Heard learned counsel for the petitioner Shri

Vivekanand Singh, learned counsel for the informant Shri Anil

Kumar Sinha and the learned APP for the State Shri Shyam

Kumar Singh.

2. The petitioner seeks bail in connection with

Sessions Trial No. 968 of 2023 arising out of Danapur P.S. Case

No. 1362 of 2022 registered for the offence under Section 302,

326, 120B/34 of the Indian Penal Code.

3. As per the prosecution case, the son of the

informant was killed by the accused persons including the

petitioner.

4. This is the second attempt of the petitioner for

grant of regular bail as earlier the bail application of the

petitioner was rejected vide order dated 9.11.2023 passed in Cr.



Misc. No. 72808 of 2023 and the petitioner is in custody since 25.04.2023.

5. The learned counsel for the petitioner has argued this case mainly on the ground of prolonged incarceration of the petitioner due to non conclusion of the trial because of non-cooperation of the prosecution side.

6. It was submitted by Mr. Vivekanand Singh that the petitioner is in jail since 25.04.2023 and out of eight charge-sheet witnesses, four have been examined and the last witness was examined on 20.03.2024.

7. At this stage, the learned counsel for the informant has submitted that only two charge-sheeted witnesses are left out and he has got examined all the private witnesses.

8. In reply to the submission of the learned counsel for the informant, Mr. Vivekanand Singh has submitted that apart from the official witnesses, there are two private witnesses who have not been produced by the prosecution for the last five months. Mr. Vivekanand Singh also submits that though the informant is opposing the bail application of all the accused persons in this Court but is not producing the witnesses in the trial Court.

9. Moreover, the learned counsel for the informant



has tried to mislead this Court by saying that only two witnesses are yet to be examined. When this Court examined the relevant records of the case, it has come to light that two private witness and two official witnesses are yet to be examined and it appears that the intention of the prosecution is not to examine the witnesses but to delay the trial.

10. The Hon'ble Supreme Court has also repeatedly held that bail is a rule and jail is an exception.

11. This is one such case where the informant is taking the trial Court as well as the High Court for a ride and in the opinion of this Court, the petitioner cannot suffer because of such prosecution.

12. In view of the above discussions, this application is allowed.

13. Let the petitioner, above named, 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 learned ADJ-VI, Danapur/ concerned Court below in connection with Danapur P.S. Case No. 1362 of 2022.

14. As a condition of this order, the petitioner, after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court



on each and every date fixed by the trial Court. Non-compliance of the condition will result in cancellation of the bail bonds of the petitioner.

(Sandeep Kumar, J)

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