

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55803 of 2024

Arising Out of PS. Case No.-4 Year-2019 Thana- JURAWANPUR District- Vaishali

Sanjeev Singh @ Sanjeev Kumar Singh @ Baua S/O Late Nisru Singh R/O
Village-Chaksinagar,P.S.-Jurawanpur, Distt-Vaishali.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Harendra Kumar Singh
For the Opposite Party/s : Mr. Tapeswar Sharma

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 17-09-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Jurawanpur P.S. Case 04/2019, registered for the offence
punishable under Sections 341, 323, 324, 307/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, allegation against the
petitioner and other to have fired upon the father of the
informant by means of pistol. It is alleged that victim sustained
injury on the back and during course of treatment he died.

4. Learned counsel for the petitioner submits that
earlier bail petition of this petitioner was rejected thrice vide
order dated 12.12.2019 passed in Cr. Misc. No.69559/2019,
order dated 26.07.2021 passed in Cr. Misc. No.658/2021 by



different co-ordinate Benches of this Court while rejecting the bail of the petitioner vide order dated 26.07.2021 passed in Cr. Misc. No. 658/2021 with an observation that petitioner may renew the prayer of bail after nine months and order dated 01.02.2023 passed in Cr. Misc. No.44241/2022 by this Court with an observation that the petitioner may renew the prayer of bail after six months. The petitioner is languishing in custody since 25.03.2019 and bears criminal antecedent of five cases. He further submits that there is no progress in trial since the date of rejection of the bail of the petitioner on 01.02.2023. He further submits that the informant has not been examined, I.O and doctor have also not been examined and the delay of trial is not in any way attributable to the petitioner who has incarcerated in jail custody more than near about five years and six months and there is no flight risk. There is not even remotest possibility of trial being concluded in near future, so far as the pace of trial is concerned.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that earlier bail of the present petitioner has already been rejected thrice.

6. A report regarding stage of trial has been sought by



this Court and in pursuance of the said direction, the learned trial court vide letter no.55/2024 dated 02.09.2024 has sent its report which indicates that the informant, I.O. and the medical officer have not been examined.

7. Considering the aforesaid facts and circumstances of the case, period of custody undergone by the petitioner is five years and six months, trial has not been concluded as yet despite being there is no laches on the part of the petitioner who is in custody since 25.03.2019, trial is not likely to be concluded in near future so far as the pace of trial is concerned, argument advanced on behalf of the both sides and also taking into consideration the material available on record, let the petitioner, above named, 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 learned Additional Chief Judicial Magistrate-VIII, Vaishali at Hajipur in connection with Jurawanpur P.S. Case 04/2019, GR No.255/2019, subject to the following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on all dates and absence for two consecutive dates



without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

(iii) 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.

(Alok Kumar Pandey, J)

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