

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60186 of 2024

Arising Out of PS. Case No.-249 Year-2018 Thana- DIGHWARA District- Saran

Kalyan Singh, Son of Late Sukhnandan Singh, R/o Village- Tarwa Koraiya,
P.S.- Dighwara, District- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Kumar Binode Bariar, Advocate
	Mr. Rananjay Kumar, Advocate
	Mr. Subhash Kumar Sinha, Advocate
	Mr. Anil Kumar, Advocate
For the Opposite Party/s :	Mr. Anant Kumar 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Dighwara P.S. Case no. 249 of 2018 (Sessions Trial no.437 of 2019) registered under sections 302, 307, 504 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that over the motorcycle having fallen down and Ayush Kumar having hurt is leg, an altercation started. The five named accused persons including the petitioner herein started to hurl abuses. Thereafter, it is stated that Hira Devi and Sunni Devi went inside their house and came out with a gun, which was handed over to Maheshwar Singh and the petitioner and as a result of firing resorted to by them, Nikhil Kumar Singh and the



informant's sister got injured. It is stated that Nikhil Kumar Singh died subsequently while the informant's sister was being treated.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the F.I.R. In any case of the matter, it is not clear as to whose shot is said to have injured the deceased. It is submitted that the petitioner has remained in custody for more than 5 years since 11.11.2018 and there is still no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by any conditions, which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned A.P.P. for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 25.9.2024, out of the ten witnesses only one witness has been examined on behalf of the prosecution while non-bailable warrants have been issued against the others.

7. Having heard learned counsel for the parties and taking into consideration the facts and circumstances of the



case, the material that has transpired in course of investigation, the submissions made by learned counsel for the petitioner and especially the petitioner having remained in custody for 5 years and 9 months since 11.11.2018 and nine out of the ten witnesses not appearing in course of trial and according to the report for whose appearance non-bailable warrants have been issued, the petitioner is directed to be enlarged on bail in connection with Dighwara P.S. Case no.249 of 2018 (Sessions Trial no.437 of 2019) 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 Additional Sessions Judge-XI, Saran, Chhapra on the following conditions:-

(I) The petitioner shall remain physically present in the trial Court on each date of the trial and shall cooperate in the trial.

(II) In case, the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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