

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.55918 of 2024

Arising Out of PS. Case No.-575 Year-2022 Thana- DARIYAPUR District- Saran

Ujjawal Kumar S/o Ramaadhar Sah R/o vill - Chhapra Town, P.S. - Chhapra
Town, Distt. - Saran at Chhapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jitendra Sinha, Advocate

For the Opposite Party/s : Mr. Arun Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 04-09-2024 Heard the parties.

2. The petitioner seeks bail in connection with
Dariyapur P.S. Case No. 575 of 2022 registered for the
offence under Sections 394 of the I.P.C.

3. The petitioner is named in the F.I.R. and is
in custody since 22.10.2022.

4. The allegation against the petitioner is to
commit robbery wherein 41 kg of ornament made up of
silver was looted, which was in possession of informant
at the time of occurrence.

5. This is the third prayer of bail as raised by
petitioner. After rejecting his second prayer of bail vide



order dated 05.01.2024 as passed in Cr. Misc. No. 78579 of 2023, wherein it was specifically directed to learned Trial Court to conclude the trial within six months because the petitioner is languishing in custody since 22.10.2022.

6. A report was called for from the learned Trial Court which made available now this Court through letter no. 296 dated 20.08.2024, which suggests that not even a single witness was examined in this case till date after framing of charge.

7. It is submitted that the petitioner is in custody about two years and not even a single witness was examined during the trial till date and therefore, petitioner cannot be kept behind the bar for indefinite period in want of trial which is amounting to violation of his fundamental rights as available under Article 21 of the Constitution of India. In support of his submissions, the learned counsel relied upon the legal report as available through ***Javed Gulam Nabi Shaikh vs. State***



of Maharashtra as reported in **2024 SCC OnLine SC 1693.**

8. Learned APP could not deny the period of custody and also the progress of trial as submitted.

9. Without making any comment on the merit as petitioner is in custody since about two years where not even a single witness was examined after framing of charge till date, accordingly, petitioner above named, is directed to be released on bail in connection with Dariyapur P.S. Case No. 575 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court of Chief Judicial Magistrate, Saran/concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS subject to further condition that:-

"(I) That accused/petitioner shall cooperate 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.

(ii) If it appears to the State that the petitioner is intentionally delaying the trial, the State may move a petition before the learned trial Court itself for the cancellation of bail bond of the petitioner.

(Chandra Shekhar Jha, J)

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