

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59579 of 2024

Arising Out of PS. Case No.-406 Year-2023 Thana- SIMRI BAKHTIYARPUR District-
Saharsa

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Mukesh Kumar Sah @ Saur @ Mukesh Kumar S/o Dinesh Sah Resident of
Dah, Ward no. 9, P.S.- Simri Bakhtiyarpur, (Kanaria O.P.), District- Saharsa

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Pd. Singh, Sr. Advocate Mr. Subesh Sharma, Advocate
For the Opposite Party/s :		Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 04-10-2024 1. Heard Sri Krishna Prasad Singh, learned Senior
counsel assisted by Sri Subesh Sharma for the petitioner and Sri
Shailendra Kumar Singh, learned A.P.P. for the State.
2. The petitioner has renewed his prayer for grant of
regular bail in connection with Sessions Trial no.99 of 2024,
Simri Bakhtiyarpur (Kanaria O.P.) P.S. Case no. 406 of 2023
registered under sections 307, 341, 323, 379, 504, 506 and 34 of
the Indian Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, the informant states
that on asking the petitioner not to abuse, the petitioner resorted
to firing from his country-made pistol. Two gun shots hit the
informant in the chest as a result of which he fell down injured.
4. It is submitted by learned Senior Counsel for the



petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 31.1.2024 (Annexure-1) passed in Cr. Misc. no. 4513 of 2024. In spite of the petitioner having remained in custody since 31.7.2023, there is no progress whatsoever in the trial in the learned trial Court and as per instructions received not a single witness has been examined on behalf of the prosecution. Charge has been framed against the petitioner which would be evident from the order dated 6.5.2024 passed in Sessions Trial no.99 of 2024.

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

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R., charge against the petitioner having been framed in the learned trial Court and not a single witness having appeared or having been examined on behalf of the prosecution in spite of summons having been issued against the witnesses as is borne out from the report dated 24.9.2024 received from the learned trial Court and the petitioner having remained in custody for more than 1 year since 31.7.2023, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no.99 of 2024 [arising out of Simri Bakhtiyarpur (Kanaria O.P.) P.S. Case no.



406 of 2023] 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-II, Saharsa.

(Partha Sarthy, J)

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