

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66381 of 2024

Arising Out of PS. Case No.-596 Year-2019 Thana- MADHAURAH District- Saran

Shatrudhan Singh @ Shatruhan Singh @ Shatrughan Singh @ Bhabhari Son
of Late Laxman Singh Village- Awari, P.S.- Madhourah, District- Saran

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ankur Prakash Sinha, Advocate
For the State	:	Mr. Anil Kumar, APP
For the O.P. No. 02	:	Mr. Udai Shankar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 20-12-2024 Heard the learned counsel for the petitioner, learned
APP for the State and learned counsel for the O.P. No. 02.

2. This is the 3rd attempt of the petitioner. Earlier the bail application of the petitioner was rejected *vide* order dated 18.01.2021 passed in Cr. Misc. No. 33322 of 2020 and *vide* order dated 04.08.2023 passed in Cr. Misc. No. 45947 of 2023 respectively.

3. The petitioner seeks regular bail in a case registered for the offence under Sections 147, 148, 149, 323, 325, 326, 379, 332, 333, 307, 302, 504, 120B of the Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the Arms Act.

4. Till 04.08.2023, It was submitted by the learned counsel for the informant that out of seven charge-sheeted



witnesses, four have been examined. The petitioner is in custody since 11.09.2019 i.e., for more than five years.

5. A report was called from the Trial Court. The Trial Court *vide* its report dated 22.10.2024 has reported that 8 prosecution witnesses out of 10 witnesses named in the charge-sheet has been examined. 23 witnesses who are named in the case diary as witnesses of different activities of investigation are not named in charge-sheet in which 6 witnesses have been produced by the prosecution and same have been examined and cross-examined. It is further reported that one year time is likely to be taken for completion of trial.

6. The learned counsel for the petitioner has further submitted that recently on 19.10.2023, the prosecution has filed an application under Section 311 of the Cr.P.C. for examining 16 more witnesses.

7. Learned APP for the State and the learned counsel for the informant have vehemently opposed the prayer for bail and have submitted that the Superintendent of Police, Saran be directed to produce the witnesses in the trial.

8. Though it is a case double murder and earlier the prayer for bail of the petitioner was rejected twice by this Court but considering the fact that the trial is being delayed and also



the fact that the petitioner cannot be kept indefinitely in jail during pendency of this trial, this application is allowed.

9. Accordingly, 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 4th Additional Sessions Judge, Chapra/concerned Court below in connection with Madhaurah/Marhowrah P.S. Case No. 596 of 2019 subject to condition that:-

(i). The petitioner will mark his attendance at the Madhourah/ Marhowrah Police Station on every Sunday of each month. Any default in appearance at the Police Station would result in cancellation of bail bond of the petitioner.

(ii) The petitioner shall appear in the trial regularly either personally or through his lawyer and shall cooperate in the trial and non-cooperation in the trial shall result in cancellation of the bail bond of the petitioner.

(iii). The petitioner shall not tamper with evidence. Any tampering with evidence shall result in cancellation of the bail bond of the petitioner.

10. The Superintendent of Police, Saran at Chapra



will see to it that all the remaining witnesses all of whom are police officials are examined on the dates fixed in the trial.

11. This application stands allowed.

12. Let a copy of this order be communicated to the Superintendent of Police, Saran at Chapra through FAX for its compliance forthwith.

(Sandeep Kumar, J)

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