

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69297 of 2023

Arising Out of PS. Case No.-562 Year-2021 Thana- MALSALAMI District- Patna

Sujal Kumar Patel @ Khatta Son Of Late Naresh Prasad Singh Resident Of
Village - Bhathipar, Rashtravadi Chauraha, P.S. - Malsalami, District - Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajeev Kumar, Advocate

For the Opposite Party/s : Mr. Dr. Ajeet Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 20-03-2024

1. Heard the parties.

2. Petitioner seeks regular bail in connection with Sessions Trial Case No. 311 of 2022, arising out of Malsalami P.S. Case No. 562 of 2021 dated 27.11.2021 registered for the offence(s) punishable under Section(s) 302/34 of the Indian Penal Code.

3. Mr. Rajeev Kumar, learned counsel appearing for the petitioner submits that the petitioner earlier approached this court for the relief of bail by way of filing Cr. Misc. No. 63696 of 2022, which was rejected by this court and thereafter, he has again come before this court for the relief of bail mainly on the ground of his long incarceration period as well as no progress in his trial. He further submits that the petitioner has been languishing in jail since 28.11.2021 and his trial has commenced



and upon him the charges were framed on 19.12.2023 but thereafter no progress has been made till date and even no single witness of the prosecution has been examined which shows the lingering attitude of the prosecution. He further submits that the petitioner has got no criminal antecedent and there is no eye-witness of the alleged occurrence and the informant, himself, is not an eye witness and there is no direct allegation against this petitioner.

4. Dr. Ajeet Kumar, learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Heard both the sides. Though, against this petitioner, there is serious allegation but his trial has started and charges have been framed upon him on 19.12.2023 and thereafter no progress has been made in his trial which shows his case being at initial stage and prosecution is not serious in producing the witnesses and the petitioner has got no criminal antecedent and has been languishing in jail since 28.11.2021. These circumstances persuade this court to take a lenient approach in respect of petitioner's prayer. Accordingly, let the petitioner named-above 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 concerned Court in



connection with Sessions Trial Case No. 311 of 2022, arising out of Malsalami P.S. Case No. 562 of 2021 on the following conditions:-

- (1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the trial court and shall remain physically present as directed by the trial court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the trial court.
- (2) 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.
- (3) One of the bailors shall be a close relative of the petitioner who has sworn affidavit in this miscellaneous petition.

(Shailendra Singh, J)

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