

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69739 of 2023

Arising Out of PS. Case No.-278 Year-2021 Thana- RUPASPUR District- Patna

Amritanshu @ Shivam Son Of Sanjay Sharma Resident Of Village-
Bhabhanlai, Ps- Bihta, Distt- Patna.

... .. Petitioner/S

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Udit Narayan Singh, Advocate Mr. Rakesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Anant Kumar 1, APP
For the informant	:	Mr. Manoj Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 12-01-2024 Heard learned counsel appearing on behalf of the parties.

2. It is submitted by learned counsel that while rejecting the earlier prayer of bail vide order dated 30.11.2022 through Cr. Misc. no. 16085 of 2022, this Court directs to learned trial court as to conclude the trial within six months from the date of receiving the order. It is pointed out that thereafter out of four prosecution witnesses, three witnesses examined but in the meantime, an application under Section 311 of Code of Criminal Procedure (in short 'Cr.P.C.') was filed on behalf of mother of victim, who is informant of this case as to examine five more witnesses in this case, which was allowed by the learned trial court, and as such, trial is not likely to



conclude in near future, where petitioner is in custody for more than two years and two months. It is also pointed out that the only eye-witness of the occurrence who already examined before learned trial court as PW-1, namely, Ravina Kumari turns hostile. It is also pointed out by learned counsel that victim of this case admittedly committed suicide during pendency of the trial and there is no chance to examine her. It is further submitted that petitioner cannot be kept behind bar for indefinite period of time in want of trial.

3. In view of aforesaid submission, as petitioner is in custody for more than two years and two months, where trial is not likely to conclude in near future, accordingly, petitioner above named, is directed to be released on bail in connection with Rupaspur P.S. Case No. 278/21 in Session trial no. 761/22 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Patna/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:-

(i) That petitioner shall not interact with informant during the trial in any manner or to influence any witness, failing which, the



State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) 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.

(iii) That one of the bailors shall be deponent of the present bail petition.

(Chandra Shekhar Jha, J)

veena/-

U		T	
---	--	---	--

