

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78801 of 2023**

Arising Out of PS. Case No.-10 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

Mithilesh Kumar Singh @ Pintu Singh @ Pintu S/O Bajarangi Singh @
Bajrang Singh Resident Of Village- Maliksaray, P.S.- Chainpur, District-
Kaimur (BHABUA)

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Sr. Advocate
For the Informant	:	Mr. Mithilesh Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Rajendra Singh, APP

**CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER**

- 4 21-06-2024 The present petition is by way of second attempt at the behest of the petitioner for grant of regular bail in connection with Sessions Trial No. 475 of 2022, arising out of Chainpur P.S. Case No.10 of 2022 registered for the offences under Sections 302 and 120B of the Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of bail was rejected, vide order dated 10.02.2023, passed in Cr. Misc. No. 58354 of 2022.
2. The case of the prosecution, in brief, according to the informant, is that his son, namely,



Sagar Anand Pandey, was posted as Assistant Godown Manager at the Biscoman Godown situated at Chainpur and was residing in a rented house belonging to one Chanda Kunwar. It is alleged that the informant received information from Biscoman Department and Chainpur Police Station that his son is lying dead in his rented house, hence, he should come there immediately, where after the informant had gone to the alleged place of occurrence and had seen the dead body of his son, from which it appeared that he had been killed on account of him being strangled by pressing of his neck.

3. The learned senior counsel for the petitioner has submitted that this Court, vide order dated 10.02.2023 passed in Cr. Misc. No.58354 of 2022, had granted liberty to the petitioner to renew his prayer for bail in case there is no progress in the trial during the next six months, in terms of the order dated 16.11.2022, passed in Cr. Misc. No.39855 of 2022, in the case of co-accused person, namely, Rahul Kumar Singh. It is submitted



that the said Rahul Kumar Singh had then filed a petition for grant of bail, vide Cr. Misc. No.18955 of 2024, in terms of the liberty granted to him by a co-ordinate Bench of this Court, by the aforesaid order dated 16.11.2022, whereupon a co-ordinate Bench of this Court, vide order dated 26.04.2024, passed in Cr. Misc. No.18955 of 2024 has been pleased to grant bail to the said Rahul Kumar Singh, considering the period of custody undergone by him coupled with the fact that out of thirteen witnesses, only seven witnesses have been examined and there is no likelihood of completion of the trial in near future. It is thus submitted that similar treatment be meted out to the petitioner.

4. *Per contra*, the learned Additional Public Prosecutor for the State as also the learned counsel appearing for the informant have vehemently opposed the prayer for bail, but have not denied the fact that the trial is not likely to be concluded in the near future, moreso, since the concerned Court is vacant at the moment.



5. I have heard the learned counsel for the parties and gone through the materials on record.

6. This Court had called for a report, regarding the present stage of the trial and the time likely to be consumed in completion of the same from the court of learned of Additional Sessions Judge-I, Kaimur (Bhabhua) on 12.01.2024, in pursuance whereof a report dated 31.01.2024 has been received by this Court wherein it has been stated that six witnesses out of 13 witnesses have only been examined and cross-examined. This Court finds from the order dated 26.04.2024 passed by a co-ordinate Bench of this Court that seven witnesses have been examined out of total of thirteen prosecution witnesses and it has been informed by the learned senior counsel appearing for the petitioner that the trial court is vacant, since the presiding officer has been transferred and not even a single witness has been examined, thereafter. Thus, considering the fact that the petitioner has already undergone custody of about two years coupled with the fact that there is no



likelihood of completion of the trial in near future, as also taking into account the order dated 26.04.2024, passed by a co-ordinate Bench of this Court in Cr. Misc. No.18955 of 2024 i.e. in the case of similarly situated co-accused person, namely, Rahul Kumar Singh, whereby and whereunder bail has been granted to him, I deem it fit and proper to admit the petitioner to privilege of regular bail.

7. Accordingly, the above named petitioner is directed to be enlarged on bail on furnishing bail bonds of Rs. 10,000/- (rupees ten thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-I, Kaimur (Bhabua) in connection with Sessions Trial No.475 of 2022, arising out of Chainpur P.S. Case No.10 of 2022.

8. It is further directed that the petitioner shall mark his attendance on each and every date, so fixed by the learned Trial Court in the ongoing trial and in the event of his failure to do so on two consecutive occasion, the present privilege of bail being extended to the petitioner shall stand



cancelled automatically and the petitioner shall be
taken into custody forthwith.

(Mohit Kumar Shah, J)

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