

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78472 of 2024

Arising Out of PS. Case No.-1362 Year-2022 Thana- DANAPUR District- Patna

Monu Kumar @ Monu S/o Late Dhrupraj Sharma R/o Bhatta Road,
Panchwati Nagar, P.S. - Danapur, Distt. - Patna. At present Sadar Bazar
Danapur, P.S. - Danapur, Distt - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vivekanand Singh

For the Opposite Party/s : Mr.Anant Kumar I

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR

ORAL ORDER

2 11-12-2024 Heard learned counsel for the petitioner and learned
Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with
Danapur P.S. Case No. 1362 of 2022 registered for the offence
punishable under Sections 302/326/120(B)/34 of the Indian
Penal Code.

3. Earlier the prayer for bail of the petitioner was
rejected twice. The last rejection order is of 10.04.2024.

4. It has been submitted by the learned counsel for the
petitioner that the trial is delayed by the prosecution. Though the
petitioner is in jail since 24.01.2023 but the trial is delayed by
the prosecution. The bail application has lastly been rejected on
10.04.2024.

5. P.W.-4 was examined and cross-examined on



19.04.2024 and, thereafter, the witnesses have not been produced by the prosecution though the informant had appeared and opposed the prayer of the petitioner on 10.04.2024.

6. Learned counsel for the petitioner has submitted that the informant is not only delaying the trial as in a connected matter i.e. Cr. Misc. No. 53493 of 2024, it was submitted by the learned counsel for the informant that only two chargesheeted witnesses are left to be examined whereas the case is that two private and two official witnesses are to be examined.

7. It is the duty of the prosecution to examine the private witnesses at the earliest and the prosecution is delaying the trial of the case.

8. Considering the fact that no witness has been examined in the last six months and in view of the observation of the Hon'ble Supreme Court in the case of **X Vs. State of Rajasthan & Anr.** reported in **2024 SCC Online SC 3539** "It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed", this application is allowed.

9. Let the petitioner above named be released on bail,



on furnishing bail bonds of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned ADJ VI, Danapur/ concerned court in connection with Danapur P.S. Case No. 1362 of 2022, subject to the following conditions :

1. Both the bailors should be the blood relatives of the petitioner.
 2. The petitioner, after being released on bail is directed to co-operate in the trial either by appearing personally or through his lawyer in the trial Court on each and every date fixed by the trial Court. Non-compliance of the condition will result in cancellation of the bail bonds of the petitioner.
10. The certified copy of the order-sheet is taken on record.

(Sandeep Kumar, J)

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