

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.79935 of 2023

Arising Out of PS. Case No.-623 Year-2021 Thana- NAUBATPUR District- Patna

Rohit Kumar Son Of Rakesh Kumar Sinha Residents Of Village - at North Patel Nagar, Near Gokul Path Pool, Po- Keshari Nagar, Ps- Patliputra, District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Pratima Kumari, Advocate
		Mr. Arvind Kumar, Advocate
		Mr. Asshay Lal Pandit, Advocate
For the Opposite Party/s :		Mr. Jai Narain Thakur, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 12-01-2024 1. Heard learned counsel for the petitioner and the learned APP for the State.

2. Petitioner seeks regular bail in connection with Sessions Trial No. 328 of 2022 arising out of Naubatpur P.S. Case No. 623 of 2021, dated 24.11.2021 registered for the offence(s) punishable under Section(s) 302, 201, 120B/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. The main submissions advanced by learned counsel for the petitioner are that the petitioner earlier approached this court vide Cr. Misc. No. 54678 of 2022 for the relief of bail which was rejected by this court and the petitioner was given a liberty to renew his prayer for bail after six months from the



date of that order, if any significant progress is not made in his trial by the Trial court, though it appear that the trial is running at the stage of recording the statements of the accused persons but at this stage the prosecution has filed a petition under Section 311 of Cr.P.C. which shows the lingering attitude of the prosecution and in the present matter, the petitioner is alleged to be order giver and the main assailants who fired at the victim are on bail and altogether 6 persons including the petitioner are accused in this matter out of them 5 are on bail vide orders passed in Cr. Misc. No. 40602 of 2022, Cr. Misc. No. 42690 of 2022, Cr. Misc. No. 42791 of 2022, and Cr. Misc. No. 48394 of 2022 passed by different benches of this court. Further submissions are that petitioner has got no any criminal antecedent and there is no direct evidence against this petitioner to show his involvement in the alleged crime.

4. Learned APP appearing for the State has opposed the bail prayer of the petitioner.

5. Considering the above submissions and mainly taking into account petitioner's custody period and the privilege of bail having been granted to other co-accused persons and the prosecution's lingering attitude as at the stage of recording of statements of the accused persons the prosecution has filed a



petition under Section 311 of Cr.P.C as appears from the report sent by the trial court regarding the status of the petitioner’s trial, in my opinion, the petitioner now deserves to the privilege of bail. Accordingly, let the petitioner 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 No. 328 of 2022 arising out of Naubatpur P.S. Case No. 623 of 2021.

(Shailendra Singh, J)

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