

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83653 of 2023

Arising Out of PS. Case No.-185 Year-2022 Thana- BUXAR MUFFSIL District- Buxar

Akshay Singh Son Of Sri Ram Singh Resident Of Village- Karma, P.S.-
Dhansoin, Districtt- Buxar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sanjay Singh, Sr. Advocate Mr. Rudrank Shivam Singh, Advocate
For the Informant	:	Mr. Satyapal Singh, Advocate
For the Opposite Party/s	:	Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 3 02-02-2024 1. Learned counsel appearing for the Informant seeks permission to file hard copy of the Vakalatnama.
2. Permission is granted.
3. Heard learned senior counsel for the petitioner, learned counsel for the informant and the learned APP for the State.
4. Petitioner seeks regular bail in connection with Buxar (M) P.S. Case No. 185 of 2022 dated 04.05.2022 registered for the offence(s) punishable under Section(s) 323, 307, 341, 34 of the Indian Penal Code and later on section 302 of IPC was added.
5. The main submissions advanced by learned senior counsel for the petitioner are that the petitioner earlier preferred



Cr. Misc. No. 69738 of 2022 for the relief of regular bail which was rejected by this court vide order dated 21.03.2023 and the petitioner has again come for the said relief mainly on the ground of his long incarceration period as he has been languishing in jail since 11.07.2022 and the second ground is the privilege of bail having been granted to a similarly situated co-accused namely, Raju Singh @ Raju Kumar by a co-ordinate bench of this court vide order dated 19.06.2023 passed in Cr. Misc. No. 7033 of 2023 and thirdly the material witnesses of the prosecution have been examined.

6. Learned counsel for the informant has vehemently opposed the bail prayer of the petitioner and submitted that against this petitioner there is serious allegation and he strangled the victim which is clearly apparent from the medical findings given in the post mortem report of the deceased.

7. The above submission has been opposed by learned senior counsel for the petitioner with saying that the injury upon which informant's counsel is placing reliance was due to medical treatment through ventilator.

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



9. Considering the above submissions and mainly taking into account the petitioner's custody period and the fact, that as per above submission the material witnesses have been examined in the trial of the petitioner and the informant's counsel has accepted that all non-official witnesses have been examined and also taking into account the fact that one similarly situated co-accused is on bail, in my opinion, in the said circumstances, the petitioner now deserves to the privilege of bail. 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 No. 473 of 2022, arising out of Buxar (M) P.S. Case No. 185 of 2022.

(Shailendra Singh, J)

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