

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.84611 of 2023

Arising Out of PS. Case No.-229 Year-2019 Thana- BARHARA KOTHI District- Purnia

RAM KUMAR @ SHRI RAM SINGH @ RAM SINGH S/O LATE SHIV
SHANKAR SINGH R/O VILLAGE - BHATOTAR, P.S. - BARHARA,
DISTT. - PURNEA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar, Advocate
Mr. Manoj Kumar, Advocate
Mr. Manish Kumar, Advocate
Mr. Praveen Kumar, Advocate
Mr. Rohit Kumar, Advocate

For the State : Mr. Shahabuddin Azeem @ S. Azeem, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 09-02-2024 1. Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in a case registered for the
offences punishable under Sections 304(B) and 34 of the Indian
Penal Code.

3. Learned counsel for the petitioner submits that
earlier when the bail application was rejected by order dated
05.04.2023, a liberty was granted to the petitioner to renew his
prayer for bail before the learned trial court itself if the trial is
not concluded within a period of six months from the date of
receipt of a copy of the order dated 05.04.2023 and if the



learned trial court comes to a conclusion that for no fault of the petitioner the trial could not be completed the learned trial court without being influenced by this order shall take an independent decision. It is further submitted that the petitioner moved before the learned trial court seeking bail as the trial could not be completed within a period of six months for no fault of the petitioner but the learned trial court rejected the bail application by an order dated 10.10.2023 without taking into consideration the fact that as to whether the trial could not be completed for fault of the petitioner or not.

4. Learned counsel next submits that when the matter was taken up on 22.12.2023, a report was called for from the learned trial court in this regard. It is also submitted that a report has been received from the learned trial court vide letter no. 21A dated 08.01.2024 and from perusal of the same, it would manifest that even the report does not record that it was for the fault of the petitioner that the trial could not be completed but then records that only the Doctor is to be examined as he was summoned on 02.05.2023 but despite the summon being received by the Civil Surgeon on 15.05.2023, the Doctor did not appear for his examination as a witness, later a bailable warrant of arrest was issued against the Doctor on 20.07.2023 and report



of the bailable warrant has been sought vide order dated 02.11.2023. Learned counsel thus submits that the report of the learned Additional District and Sessions Judge-IX, Purnea appears to be cryptic for the reason that the report is dated 08.01.2024 and has only recorded that a bailable warrant of arrest was issued against the Doctor on 20.07.2023 and a report was sought with regard to execution of the bailable warrant on 02.11.2023 but what happened thereafter is not recorded in the report which amply demonstrates that the Doctor till date has not been examined. It is next submitted that no doubt the trial is on verge of conclusion but then petitioner is an Army man and he has been implicated in a case under Section 304(B) of the Indian Penal Code and is in custody since 23.12.2020 and has been participating in the trial all throughout and for no fault of the petitioner trial has not been concluded when this Court by order dated 05.04.2023 in Cr. Misc. No. 15897 of 2023 which was the second attempt of the petitioner to seek bail had given the aforesaid observation.

5. Learned counsel thus submits that when this Court while rejecting the bail application by order dated 05.04.2023 in Cr. Misc. No. 15897 of 2023 had given the liberty to the petitioner to seek bail in the event if the trial is not concluded



within a period of six months for no fault of the petitioner then in that event the bail ought to have been granted by the learned trial court when it is not the case of the prosecution that the trial got delayed by the conduct of the petitioner. Learned counsel thus submits that merely because the report dated 08.01.2024 has recorded that the trial is on verge of conclusion that may not be a ground for not considering the bail application of the petitioner when the petitioner all throughout has been participating in the trial and it appears that till 08.01.2024 the Doctor has not been examined though summons were issued against him on 02.05.2023.

6. Learned A.P.P. for the State vehemently opposes the prayer for regular bail of the petitioner.

7. Considering the submissions made by the learned counsel for the petitioner, the petitioner, above named, is directed to be released on bail on furnishing bail bonds of Rs.25,000/- (Rupees Twenty-five Thousand) with two sureties of the like amount each to the satisfaction of learned Court below where the case is pending in connection with CIS No. 07 of 2022, in Sessions Trial No. 07 of 2022 arising out of Barhara P.S. Case No. 229 of 2019.

8. However, it is made clear that in the event if the



learned trial court comes to a conclusion that the petitioner, after his release, is trying to delay the case in any manner, the learned trial court shall forthwith cancel the bail bonds of the petitioner and if the trial has been concluded by now in that event the present order shall not be given effect to.

(Satyavrat Verma, J)

Kundan/-

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

