

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38712 of 2025

Arising Out of PS. Case No.-76 Year-2021 Thana- SHAHPUR PATORI District- Samastipur

Nandu Ray @ Nandu Rai @ Nandu Kumar S/O Kailash Roy, R/O Village-
Kala Diyara, P.S.- Salimpur, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Rina Sinha, Advocate Mr. Nivas Lochan Jha, Advocate
For the State	:	Mr. Sanjay Kumar Singh, APP
For the Informant	:	Mr. S.K. Thakur, Advocate

CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 20-06-2025 Heard learned counsel for the petitioner and learned
APP for the State as well as learned counsel for the informant.

2. The petitioner seeks bail in connection with Sessions Trial No. 222 of 2023, arising out of Shahpur Patori (Mohanpur) P.S. Case No. 76 of 2021 dated 17.03.2021, registered for the offences punishable under Sections 147, 148, 149, 302 and 447 of the Indian Penal Code and Section 27 of Arms Act.

3. It is pertinent to mention that similar petition filed by the petitioner bearing Cr. Misc. No. 35978 of 2024 was rejected vide order dated 19.07.2024 on merit. However, the petitioner has renewed his prayer for bail by the present petition mainly on the ground that he has been languishing in jail, for



about 3 years and 10 months, since 26.08.2021. Till date out of 17 charge-sheet witnesses, only 8 witnesses have been examined and many material witnesses are still to be examined, like Doctor and Investigating Officer and trial is likely to take much more time and hence, it would be travesty of justice and glaring violation of fundamental right of the petitioner as provided under Article 21 of the Constitution of India, if he is denied bail even at this stage.

4. However, learned APP for the State and learned counsel for the informant vehemently oppose the prayer of the petitioner for bail submitting that the alleged offence is serious in nature and he is main assailant as per the allegation.

5. Considering the fact that petitioner has been languishing in jail, for about 3 years and 10 months, since 26.08.2021 and only about half of the charge-sheet witnesses have been examined as yet and trial is likely to take more time, **this application is allowed**, directing the petitioner, above-named, to be enlarged on bail on his furnishing bail bonds in the sum of Rs.10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of learned concerned Court below in connection with Sessions Trial No. 222 of 2023, arising out of Shahpur Patori (Mohanpur) P.S. Case No. 76 of



2021, on the following conditions:

(i) The petitioner will make himself available for interrogation by a police officer/court as and when required.

(ii) The petitioner will undertake that investigation/trial will not get hampered on account of his absence or non-cooperation. He must be available to the police or the court whenever his presence is required.

(iii) The petitioner shall not, directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such facts to the court or to any police officer.

(iv) In case, it is brought to the notice of the court below that the petitioner has criminal antecedents other than the disclosed one, learned court below shall cancel the bail bonds of the petitioner after hearing him and getting satisfied that the petitioner has concealed his criminal antecedents despite his knowledge of the same.

(v) In case, it is brought to the notice of the court below that statement regarding previous bail petition is wrong, learned court below shall cancel the bail bonds of the petitioner.

6. However, Trial Court is directed to take coercive measures against the remaining witnesses to secure their



attendance for their examination as prosecution witnesses.

7. Superintendent of Police, Samastipur and District Magistrate, Samastipur are also directed to ensure the prosecution witnesses attend the Court for their examination in the trial.

8. Let a copy of this order be sent to the Superintendent of Police, Samastipur and District Magistrate, Samastipur besides learned Trial Court for their information and needful.

9. Trial must be concluded within four months, failing which the Presiding Officer of the trial as well as the Superintendent of Police, Samastipur and District Magistrate, Samastipur will be required to give an explanation for their failure to complete the trial during stipulated period.

(Jitendra Kumar, J.)

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