

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.53684 of 2024

Arising Out of PS. Case No.-121 Year-2022 Thana- MAHARAJGANJ District- Siwan

GOLU KUMAR S/O LATE DHUAIL PRASAD @ VIJAY PRASAD R/O
VILLAGE- SIHAUTA HALDI HATTA, P.S- MAHARAJGANJ, P.O-
SIWAN, DISTT.- SIWAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ayush Kumar

For the Opposite Party/s : Mr.Ahmad Ali

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 10-01-2025 Heard the learned counsel for the petitioner and

learned APP for the State.

2. Learned counsel for the petitioner has filed a
supplementary affidavit in this case and the same is taken on
record.

3. The following order was passed in this case on
6.12.2024:-

Heard the parties.

*2. It has been submitted by the learned
counsel for the petitioner; Sri Ranjeet Kumar that
though the informant is appearing in this Court,
but he is not cooperating in the trial. The informant
has not appeared in the trial for his examination
for the last two months.*

*3. Learned counsel for the informant has
not been able to explain the conduct of the
informant.*

*4. If the informant doesn't appear on the
next date of hearing in the Trial Court, this Court
will consider the bail application of the petitioner.*

*5. List this case on 10th of January,
2025.*



4. After the order dated 6.12.2024, on the next three dates i.e. on 16.12.2024, 18.12.2024 and 02.01.2025, no attendance has been filed by the prosecution on behalf of any witnesses in the trial.

5. Though, the informant of this case had appeared in this case on the last date but today, no one has appeared in this Court on behalf of the informant and it appears that the intention of the informant is only to delay the trial so that the petitioner, who is in jail, shall remain in jail.

6. This is the second attempt of the petitioner for grant of regular bail in connection with Maharajganj P.S. Case No. 121 of 2022 registered for the offence under Section 302/34 of the Indian Penal Code and under Section 27 of the Arms Act as earlier the bail application of the petitioner was rejected vide order dated 11.10.2023 passed in Cr. Misc. No. 49211 of 2023.

7. As per the prosecution case, the petitioner is said to have fired upon the deceased which hit him on his head and back.

8. From the FIR, it appears that the petitioner is the assailant of the deceased and he is in jail since 10.10.2022.

9. It has been submitted by the learned counsel for the petitioner that the petitioner is in jail for more than two years



and it is the prosecution side, which is delaying the trial of the petitioner.

10. Considering the fact that it is the prosecution side which is delaying the trial of the petitioner despite the orders of this Court to produce the witnesses on the dates fixed in the trial, this application is allowed.

11. Let the petitioner, above named, 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 learned Court of Additional Session Judge-1st, Siwan/concerned Court below in connection with S.Tr. No. 09 of 2023 arising out of Maharajganj P.S. Case No. 121 of 2022.

12. As a condition of this order, 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.

(Sandeep Kumar, J)

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