

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63772 of 2024

Arising Out of PS. Case No.-304 Year-2021 Thana- GAURICHAK District- Patna

Rahul Kumar Son of Mr. Gyani Paswan R/O Vill.- Abdullah Chak, P.S.-
Gopalpur, Dist.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mrs. Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

6 18-04-2025 Heard Mrs. Vaishnavi Singh, learned counsel for the
petitioner and the State.

2. The petitioner is in custody in connection with Sessions Trial No. 770 of 2022 arising out of Gaurichak P.S. Case No. 304 of 2021 for the offence punishable under sections 302 of the IPC and Section 27 of the Arms Act lodged on 26.07.2021 by the informant, Vinay Singh.

3. As per the prosecution story, the informant alleged that his son left the house and later got a call that he has been shot and lying near Gaurichak Police Station and he came to the police station and alleged that his son's friend may be involved behind the said assault/killing. This led to the FIR.

4. The petitioner is in custody since 26.08.2021 and twice his bail applications were rejected, firstly on 10.08.2022



in Cr. Misc. No. 71182 of 2021 and later on 10.11.2023 in Cr. Misc. No. 66386 of 2023. While in the earlier order, the Trial Court was directed to expedite the trial and conclude it within a year, in the second order, the direction was to conclude it in six months.

5. Learned counsel for the petitioner submits that he is in custody since 26.08.2021 and despite his co-operation, the trial could not be concluded. If granted bail, he shall be diligently appearing on each and every day and failure to do so, the Trial Court shall be free to take steps for cancellation of his bail bond. He shall be further visiting the local police station every week to mark his attendance till the conclusion of the trial.

6. Earlier, the report was called for and the learned Additional District and Sessions Judge IV, Patna City vide letter no. 48 dated 22.01.2025 had recorded that the trial shall be disposed of by the last of March 2025.

7. In that background, on 26.03.2025, another report was sought for and which has come under the signature of the transferred Additional District and Sessions Judge IV, Patna City vide letter no. 86 dated 05.04.2025 and the same read as follows:



Letter No. 86

Dt. 05.04.2025

From

Subir Kumar

District & Additional Sessions Judge-IV

Patna City

To

The Assistant Registrar

Hon'ble High Court, Patna

Reference: Order passed in Cr. Misc. No. 63772/2024
dated- 26.03.2025

Subject: Submission of fresh report about the St no-
770/2022 arising out Gaurichak 304/2021.

Respected Sir,

Most humbly and respectfully, this is to submit that I have joined in this judgeship on 25.03.2025 as District & Additional Sessions Judge VII in the Annual General Transfer in compliance of the order & notification of the Hon'ble High Court, Patna bearing notification number 1510A, dated 05.03.2025. In compliance of the Standing Order Number 18/2025 dated 28.03.2025 of the Learned Principle District & Sessions Judge, Patna, I have taken charge of the Court & Office of District & Additional Sessions Judge IV on 02.04.2025. On 04.04.2025, The O/c (Office Clerk) cum B/c (Bench Clerk) of this court has put up an order of Hon'ble High Court, Patna passed in Cr. Misc. No. 63772/2024 dated- 26.03.2025. I am submitting my humble Report in compliance of the order and direction of the Hon'ble Court, Patna as contained in the said order.



It is very humbly prayed to kindly put up my Report before the Hon'ble Court for its sympathetic and kind consideration.

Encl-My Report

Your's faithfully

sd/-

(Subir Kumar)

District & Additional Sessions Judge-IV

Patna City

Report

I have taken charge of the court and office of District and Additional sessions judge IV on 02.04.2025 in the compliance of standing order no- 18 dated 28.03.2025 of Ld. Principal District and Sessions Judge, Patna, after having been transferred to this judgeship on account of Annual General Transfer by the Hon'ble court and joining in this judgeship on 25.03.2025 as District and Additional Sessions Judge VII which was a vacant court.

The O/C cum B/C of this court has put up the order of the Honb'le High court dated 26.03.2025 passed in Cri. Mis No- 63772/2024 on 04.04.2025 before me, thereafter perused the order sheet of the case record on which it appears that the previous presiding officer Sri Ravindra Kumar, who has now been transferred had heard the final arguments of the prosecution and was continuously hearing the arguments of the defence which could not be completed and he was transferred. When I took charge of the court and office of this court, I found that the next date in this case has already been fixed on 08.04.2025. It is very regretfully submitted that the case has yet not been finally disposed off within the time limits as ordered by the Hon'ble Court.



It is very humbly and respectfully submitted to the Hon'ble court that for a just and final disposal of this case, I need to hear the arguments of the both the sides afresh, before passing judgement and finally disposing of this case. In the given facts and circumstances, I very humbly and respectfully pray to the Honb'le Court to grant me sufficient time for the final disposal of this case. Every effort shall be taken by this court for the earliest disposal of this case in compliance of the spirit of the orders of Honb'le Court.

For this kindness, I shall ever be obliged to the Hon'ble Court

Submitted most respectfully

sd/-

(Subir Kumar)

District and Addl. Sessions Judge-IV

Patna City

8. Though considering the allegation that came against the petitioner, this Court was not inclined to extend him relief and wanted the Trial Court to conclude the trial, in view of the fact that they have failed to conclude the same and the last letter dated 05.04.2025 has not even given the time frame by which the trial could be concluded, in that background, this Court is inclined to extend the privilege of bail to the petitioner with conditions.

9. Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten thousand) each with two sureties of like amount each to the satisfaction of learned Additional District and Sessions Judge IV, Patna City, in connection with Sessions Trial No. 770 of 2022 arising out of Gaurichak P.S. Case No. 304



of 2021 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his/her bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so even for a single date without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall appear before the concerned police station every week till the conclusion of the trial to mark his attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(v) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

Vijay Singh/-

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