

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.66221 of 2025

Arising Out of PS. Case No.-114 Year-2023 Thana- GARKHA District- Saran

Rajesh Kushwaha @ Rajesh Kumar Singh @ Rajesh Singh, Son of
Vishwanath Mahto, R/O Village- Maiki Udhantola, P.S.- Garkha, Distt.- Saran
at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Udai Shankar Singh, Advocate
For the Opposite Party/s : Mr. Satya Nand Shukla, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

4 07-11-2025 Heard Mr. Udai Shankar Singh, learned counsel for

the Petitioner and Mr. Satya Nand Shukla, learned APP for the

State.

2. Petitioner seeks regular bail in connection with
Sessions Trial No. 368/2024 arising out of Garkha P.S. Case
No. 114 of 2023 dated 03.03.2023 registered for the offences
punishable under Sections 399, 402, 324, 307, 337, 353/34 of
the Indian Penal Code and Sections 25(1-B)(a), 26, 27 and 35 of
the Arms Act.

3. The main submissions advanced by the petitioner's
counsel are that this is the second attempt of the petitioner to get
the relief of bail, his first prayer was rejected by this Court vide



order dated 23.08.2024 passed in Cr. Misc. No. 34632 of 2024 preferred by this petitioner and the fresh grounds for renewing the prayer for bail are the petitioner's long custody period, which has been about one year and ten months, and secondly, the lack of progress in the trial of the petitioner despite the lapse of more than seventeen months. It is further submitted that, although there are criminal antecedents of seven cases against this petitioner but he is on bail in all the said cases and as per the main allegation, he caused firearm injury to a police constable, namely Bikash Kumar but neither simple nor grievous injury was found on the body of said Bikash Kumar and the I.O. of the case has not received any injury report, which makes the allegation levelled against the petitioner highly doubtful. Learned counsel further submits that the co-accused, Ravindra Mahto, who disclosed the name of this petitioner as being involved in the commission of the alleged occurrence, particularly relating to the opening of the firearms, has been granted bail by a coordinate Bench of this Court vide order dated 14.07.2023 passed in Cr. Misc. No. 41702 of 2023 and two other co-accused persons have also been granted bail by this Bench and coordinate Bench of this Court vide orders dated 03.08.2023 and 11.09.2023 passed in Cr. Misc. Nos. 48184 of



2023 and 45608 of 2023, respectively. It is lastly submitted that charges were framed against the petitioner on 20.06.2024, but thereafter, no prosecution witness has turned up despite the lapse of seventeen months, even though most of the prosecution witnesses are government officials. This shows the lingering attitude of the prosecution, and there may be a delay in the completion of the petitioner's trial. Further, the petitioner's release on bail will not affect the prosecution in any manner.

4. Learned APP for the State has opposed the prayer for bail of the petitioner.

5. Considering the aforesaid submissions and mainly the petitioner's present custody period and the lingering attitude of the prosecution in producing and examining the prosecution witnesses in the trial of the petitioner as stated above, and appearing from the trial court report, which shows that despite the issuance of summons and bailable warrants, none of the prosecution witnesses has turned up till the date of sending the report, in my opinion, in the said circumstances, the petitioner now deserves the relief of bail. Accordingly, let the petitioner named-above be released on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the concerned Court in



connection with Sessions Trial No. 368/2024 arising out of
Garkha P.S. Case No. 114 of 2023.

(Shailendra Singh, J)

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