

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76218 of 2024

Arising Out of PS. Case No.-176 Year-2022 Thana- BAKHARI District- Begusarai

Deepak Kumar Son of Bhikhar Sharma Resident of Villatge-Mauji Than
Singh, P.S-Bakhri, Dist.-Begusarai (Bihar)

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. YC Verma, Sr. Adv.

For the Opposite Party/s : Mr. Jai Narain Thakur, Adv.

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 07-02-2025 Heard the parties.

2. The petitioner seeks bail in connection with
Bakhri P.S. Case No. 176 of 2022 registered for the
offence under Sections 302/34 of the I.P.C.

3. The petitioner is named in the F.I.R. and is in
custody since 27.07.2022

4. This is the third successive bail petition raised
by the petitioner, where his first bail petition was rejected
considering the available merit through Cr. Misc. No.
2844 of 2023 vide order dated 24.04.2023 and his
second prayer of bail was rejected through Cr. Misc. No.
84882 of 2023 vide order dated 20.03.2024 which was



purely prayed on the ground of delay in trial.

5. Taking note of aforesaid two orders, Mr. Y.C. Verma, learned senior counsel for the petitioner submitted that while rejecting the second prayer of bail a direction was given to the learned trial court as to conclude the trial positively within a period of six months. It is pointed out that the said order was passed on 20.03.2024 and till now out of 13 charge-sheet witnesses only 3 witnesses have been examined, making the conclusion of trial a remote event.

6. Learned senior counsel submitted that petitioner is in custody since 27.07.2022 i.e., about two years and eight months. In the background of aforesaid custody period, it is pointed out by Mr. Verma that the petitioner cannot be kept behind bar till indefinite period of time in want of trial. It is pointed out that a speedy trial is a fundamental right as held by Hon'ble Supreme Court in the matter of ***Hussainara Khatton and Ors. vs. Home Secretary, State of Bihar*** reported in **(1980)**



1 SCC 81: 1980 SCC (Cri) 23. It is submitted that the progress of trial is not satisfactory and till date only 3 charge-sheet witnesses were examined by the learned trial court out of 13.

7. A report was also called for from the learned trial court regarding stage of trial which was made available to this Court through letter no. 10 dated 31.01.2025, from where it also appears that only 3 charge-sheet witnesses were examined out of 13 witnesses and therefore, this Court is *prima-facie* convinced with the argument of Mr. Verma that the trial in this case is a remote event.

8. Considering aforesaid facts and submission, the petitioner above named, is directed to be released on bail in connection with Bakhri P.S. Case No. 176 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. District and Sessions Judge-XI, Begusarai/concerned court, subject to the



conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS. Subject to further conditions:-

(i) That petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(ii) Any deliberate attempt on the part of petitioner as to delay the trial may lead to his cancellation of bail bond, if pressed by the prosecution/State.

(Chandra Shekhar Jha, J)

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