

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.89661 of 2024

Arising Out of PS. Case No.-728 Year-2022 Thana- MADHAURAH District- Saran

Birendra Singh, Male aged about 51 years, Son of Late Sudama Singh,
Resident of Village-Nautan, P.S.-Madhaura, District-Saran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjay Kumar Singh, Advocate

For the Opposite Party/s : Mr. Uday Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA
ORAL ORDER

4 19-03-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with Marhowrah P.S. Case No. 728 of 2022 instituted for the offences punishable under Sections 147, 149, 341, 324, 307, 427, 504 and 506 of the Indian Penal Code.

3. Earlier the prayer for bail of this petitioner was rejected by this Court passed in Cr. Mics. No. 27941 of 2024 vide order dated 23.04.2024.

4. As per the prosecution case, accused persons including the petitioner armed with lathi, danda, bhala, rod, phattha, sword came at the door of the informant and started abusing him. On protest co-accused Arun Singh assaulted the informant by means of phatta on his head due to which his head got injured and bleeding started. The informant's nephew Rohit



Kumar came to rescue the informant whom this petitioner and co-accused Pintu Singh together assaulted due to which he sustained injuries and full down unconscious.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case due to dirty village politics. It is pertinent to state that there is delay of about 12 days in lodging of the FIR. Petitioner has got no criminal antecedent as stated in para 3 of the petition and is in custody since 27.02.2024.

6. Learned APP opposes the prayer for bail.

7. From perusal of the FIR and impugned order of the learned Additional Sessions Judge-VII, Saran at Chapra dated 25.11.2024 and also peruse the report regarding the stage of trial from the Court of the learned Judicial Magistrate-1st Class, Saran at Chapra vide order dated 24.02.2025, it appears that this is the second attempt for regular bail of the petitioner and first bail petition has already been rejected by this Court vide order dated 23.04.2024 passed in Cr. Mics. No. 27941 of 2024 with the direction to the learned trial Court to conclude the trial preferably within a period of six months from the date of receipt of a copy of this order. If the trial is not concluded within a



stipulated period, the petitioner may renew his prayer for bail before the trial Court. It also appears from perusal of the report of the learned Judicial Magistrate-1st Class, Saran at Chapra that the case was committed to the Court of Sessions on 22.02.2025, as submitted by learned counsel for the petitioner and case was fixed before the learned Sessions Judge, Saran at Chapra on 07.03.2024. It also appears that there is no progress of trial as against the present petitioner. Petitioner is in custody since 27.02.2024 having no criminal antecedent as stated in para 3 of the petition, so considered all these aspects of the case and also considered that no progress regarding the stage of the trial against the present petitioner and also no criminal antecedent as stated in para 3 of the bail petition, accordingly the prayer for bail of the petitioner is allowed. Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Judicial Magistrate-1st Class, Saran at Chapra in connection with Marhowrah P.S. Case No. 728 of 2022.

(Ramesh Chand Malviya, J)

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