

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17402 of 2020

Arising Out of PS. Case No.-141 Year-2018 Thana- PHULWARIA District- Begusarai

TUNTUN RAI @ TUNTUN KUMAR S/o Late Sahindra Rai R/o village-
Malti, P.S.- Phulwariya, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Sr. Adv. Mr. Babita Kumari
For the Opposite Party/s	:	Mr. Rajendra Nath Jha

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-12-2020 Due to COVID-19 Pandemic, the matter is being taken up by
way of virtual Court proceeding.

The matter has been listed under the heading “For Orders”
under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned APP for
the State.

The petitioner seeks bail in a case registered under Sections
323, 307, 341/34 of the Indian Penal Code.

Prosecution case in short is that the accused persons came to
the shop of the informant and fired at him due to which he received
injury.

Earlier prayer for bail of the petitioner was rejected by this
court vide Annexure-1 to the present application with observation “*at
this stage*”. An appeal was preferred before the Hon’ble Supreme



Court against the said order and the said appeal was dismissed by the Hon'ble Supreme Court which is part of Annexure-1 to the present application.

A report regarding the stage of the case was called for from the trial court. It has been reported that the case has yet not been committed to the court of sessions.

It is submitted on behalf of the petitioner that the petitioner is in custody since 03-01-2019. He has remained in custody for one year and eleven months. There is no chance of the trial being concluded in near future. The FIR was instituted after 24 hours of the alleged occurrence. The delay in instituting the FIR has not been explained by the prosecution which casts doubts on the part of the prosecution.

On behalf of the State, it is submitted that named in the Complaint Case/F.I.R.

Considering the aforesaid facts and circumstances of the case, 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 learned Chief Judicial Magistrate, Begusarai in connection with Phulwariya P.S. Case No. 141 of 2018.

(Sudhir Singh, J)

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