

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65316 of 2019**

Arising Out of PS. Case No.-557 Year-2017 Thana- KAHALGAON District- Bhagalpur

Brajesh Patel Son of Late Kashi Patel Resident of Village - Rasalpur, P.S.-
Kahalgaon, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hemant Kumar, Advocate

For the Opposite Party/s : Mr. Navin Kumar Pandey, Advocate

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 04-06-2020 Heard Mr. Hemant Kumar, learned counsel
appearing for the petitioner as well as Mr. Navin Kumar Pandey,
learned Additional Public Prosecutor for the State through video
conferencing.

Petitioner seeks bail in connection with Kahalgaon
(Rasalpur) P.S. Case No. 557/2017 registered for the offences
punishable under Sections 147, 148, 149, 447, 342, 302 of the
Indian Penal Code and 27 of the Arms Act.

Earlier, bail prayer of the petitioner was twice
rejected by a Co-ordinate Bench of this Court taking note of the
fact that the trial of the petitioner was on the verge of
conclusion.

The trial court *vide* its report dated 7.3.2020 has
reported that out of seven proposed prosecution witnesses, four
prosecution witnesses have already been examined and



presently Doctor, Investigating Officer and one private witness have been left to be examined. The trial court has also reported that petition under Section 311 of the Cr.P.C. was filed on behalf of the petitioner for recall of the some prosecution witnesses and the order was kept reserved on the aforesaid petition.

The first information report goes to show that it was Sanjiv Mandal, who shot fire on the deceased Shekhar Patel and so far as the petitioner is concerned, it is alleged that he along with FIR named accused Dablu Tiwary, Chotu Tiwary and Pramod Mandal made firing, which hit to one Lalan Paswan. It is admitted position that co-accused Dablu Tiwary, Chotu Tiwary, Pramod Mandal and Uday Mandal have already been granted privilege of bail by different Benches of this Court. The case of this petitioner is on similar footing to that of co-accused, who have already been released on bail. The report of learned trial court reflects that there is no likelihood of conclusion of trial of the petitioner in near future, particularly, in present situation of pandemic.

Considering the aforesaid facts and circumstances as well as submissions of the parties and also with a view to maintain the parity of justice, 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 7th Additional Sessions Judge, Bhagalpur/concerned court in connection with S.T. No. 130/2018 arising out of Kahalgaon (Rasalpur) P.S. Case No. 557/2017.

(Hemant Kumar Srivastava, J)

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