

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31532 of 2020

Arising Out of PS. Case No.-502 Year-2017 Thana- KADAMKUAN District- Patna

Niraj Kumar @ Neeraj Kumar, Son of Ajay Prasad Singh, Resident of
Mohalla - Rajendra Nagar, Road No.10, P.S. - Kadamkuan, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ajay Kr Singh No.1, Advocate

For the Opposite Party/s : Mr.Chandra Sen Pd. Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

7 24-11-2021 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with S.Tr.
No.483 of 2018 arising out of Kadamkuan P.S. Case No.502 of
2017 registered for the offence punishable under Sections 326,
307, 34 of the Indian Penal Code and Section 27 of the Arms
Act.

Having regard to the nature of allegations against the
petitioner of having inflicting gun-shot injury on the stomach of
the victim, his prayer for bail was earlier rejected on 27.09.2019
in Cr.Misc. No.46131 of 2019.

The petitioner is stated to be in custody since
08.03.2018.

The Court had earlier put a query whether there was



any progress at the trial.

The petitioner's counsel has filed a supplementary affidavit placing on record photo copy of the ordersheet of the trial up-till 15.11.2021. Referring to the same, he has made a specific assertion in paragraph 4 that apart from framing of charges, there is no progress at the trial and not a single witness has been examined.

Learned APP, however, submits that in view of such statement having been made on affidavit, he is not in a position to dispute the same in absence of any instruction to the contrary.

Considering the rival submission as also the facts and circumstances of the case, including continued custody of the petitioner for more than three and a half years, this Court for the purposes of grant of bail is inclined to accept the submissions advanced by the petitioner's counsel. Prayer for bail of the petitioner is allowed.

The court below should verify the said fact regarding stage of trial from the record before allowing the petitioner the benefit of bail.

Accordingly, 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 the court of learned Additional Sessions Judge-IV, Patna, in connection with S.Tr. No.483 of 2018 arising out of Kadamkuan P.S. Case No.502 of 2017, subject to the following conditions:

(i) That one of the bailors will be a close relative of the petitioner who will give an affidavit giving genealogy as to how he is related with the petitioner. The bailor will also undertake to inform the court if there is any change in the address of the petitioner.

(ii) That the petitioner will be well represented on each date and if he fails to do so on two consecutive dates, his bail bond will be liable to be cancelled.

This Court would expect that the petitioner's counsel would honour his undertaking in the instant proceedings regarding supply of the requisite court fee etc. within two weeks from the date he is called upon to do so by the office.

(Madhuresh Prasad, J)

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