

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57233 of 2019

Arising Out of PS. Case No.-6 Year-2019 Thana- SONEPUR District- Saran

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Gabbar Rai @ Jitendra Rai @ Jitendra Kumar Ray Son of Dharash Rai @
Nagendra Rai Resident of Village- Pahleja, Sahpur Diyara, P.S.-Sonepur,
District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pritish Kumar Lal, Advocate
For the Opposite Party/s : Mr. Ajay Kumar, APP
For the Informant : Mr. Bal Mukund Prasad Sinha, Advocate

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CORAM: HONOURABLE MR. JUSTICE BIRENDRA KUMAR
ORAL ORDER

7 12-04-2021 Heard the parties in virtual Court proceeding.

The petitioner is languishing in custody for the offences punishable under Sections 147/148/149/323 /307 /302 / 114 of the Indian Penal Code and Section 27 of the Arms Act.

According to FIR, the petitioner is the assailant of deceased by causing fire-arm injury at the chest. The doctor has found consistent injury while performing post mortem examination.

Learned counsel for the petitioner submits that in fact the informant is not an eyewitness of the occurrence and that is why for the occurrence dated 31.12.2018 the written report was submitted on 02.01.2019. Learned counsel further submits that there is no other eyewitness of the occurrence. The



petitioner is in custody since 03.01.2019. The order sheets of the Court-below would reveal that on 28.11.2019 the charges were framed. Thereafter, the case was running for prosecution evidence on 09.12.2019, 23.12.2019, 07.01.2020, 25.01.2020 and 10.02.2020 but no prosecution witness turned up. On 24.02.2020 a petition was filed to amalgamate the records of other co-accused and on 13.3.2020 the record was amalgamated and on the same day bail bonds of the co-accused, who were on bail were cancelled and thereafter the case is running for appearance of the absconding accused. In the circumstance aforesaid, there is no chance of early hearing of the trial.

Learned counsel for the informant opposed the prayer for bail on the ground of seriousness of allegation against the petitioner which is corroborated by the medical evidence.

For the purpose of consideration of prayer for bail delay in lodging the information creates doubt as to whether the informant is an eyewitness of the occurrence.

Hence, let the petitioner, above named, be released on bail on furnishing bail bond of Rs.20,000/- (Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Court-below where the case is pending in connection with Sonapur P.S. Case No.06 of 2019, with



following conditions:

(a) Both the bailors shall be the resident of territorial jurisdiction of the learned Court-below.

(b) The petitioner shall fully cooperate with the trial of the case, failing which the court below shall be at liberty to cancel the bail bond of the petitioner.

(c) The petitioner shall not leave the country without permission of the trial Court.

(Birendra Kumar, J)

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