

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.11415 of 2022

Arising Out of PS. Case No.-434 Year-2020 Thana- PATNA CITY CHOWK District- Patna

GIRIRAJ MANOHAR JALAN @ MUNNA JALAN Son of Late Hiralal
Jalan Resident of Mohalla- Quila House, Patna City, P.S.- Chowk, District-
Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Adv. Mr. Rajesh Kumar, Adv.
For the Opposite Party/s	:	Mr. Pranav Kumar, APP
For the Informant	:	Mr. Pushkar Narain Shahi, Sr. Adv. Mr. Madhukar Anand, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 10-03-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in connection with Chowk P.S. Case no.434 of 2020 registered under sections 307, 147, 148, 149, 331, 323, 447, 448, 379, 504, 506, 120B and 34 of the Indian Penal Code.

As per the prosecution case, the allegation against the petitioner is of having fired from behind the curtain hitting Rajeev @ Bujji as a result of which he fell down injured. The occurrence was recorded in the CCTV.

It is submitted by learned Senior counsel appearing for the petitioner that the earlier application for bail of the petitioner was rejected vide order dated 13.9.2021 (Annexure-1)



passed in Cr. Misc. no.17479 of 2021. Referring to the said order it is submitted that taking note of the report submitted by the Board of three doctors appointed by the Court, this Court while rejecting the application had taken note of the fact that the petitioner is in need of further higher investigation and management. Liberty was granted to the petitioner to renew his prayer for bail after framing of charge. Thereafter the petitioner preferred an application for bail before the Hon'ble Supreme Court which was dismissed vide order dated 24.11.2021 (Annexure-2). In an application filed for modification of a part of the said order, it is submitted that in its order dated 16.12.2021, the Hon'ble Supreme Court observed as follows:

“In our view, it is not necessary to grant any express liberty to the petitioner. It is always open to an accused to make an appropriate application before the Court concerned, seeking bail, if charges are not framed indefinitely, more so when charges are not framed despite orders of Court. If any application seeking bail is made, such application shall be considered on its merits in accordance with law.”

It is further submitted that by order dated 9.2.2022 passed in Sessions Trial no. 23 of 2022 the learned Additional District and Sessions Judge-III, Patna has been pleased to frame charges in the case. As such it is prayed that the petitioner be



enlarged on bail. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

The application for bail is opposed by learned APP for the State and learned Senior counsel appearing for the informant. It is submitted by learned Senior counsel appearing for the informant that the petitioner is the assailant has been recorded in the CCTV footage itself. It is submitted that amongst the witnesses to be examined, there are two Investigating Officers, three doctors and three material chargesheet witnesses. The informant is ready to produce the witnesses in the Court below without any delay, however, if the petitioner is enlarged on bail, on one ground or the other he will not permit the trial to proceed.

Having heard learned counsel for the parties and taking into consideration the facts of the case, the liberty granted to the petitioner in the earlier order of rejection dated 13.9.2021 (Annexure-1) and charge having been framed in the case vide order dated 9.2.2022, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no. 23 of 2022 (arising out of Chowk P.S. Case no. 434 of 2020) on furnishing bail bond of Rs.25,000/ (Rupees Twenty Five



Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-III, Patna City on the following conditions:

(1) One of the bailors of the petitioner shall be a close relative of the petitioner.

(2) The petitioner shall surrender his passport and shall keep the Senior Superintendent of Police, Patna informed about his whereabouts.

(3) The petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

In case of violation of any of the above conditions, the trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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