

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19254 of 2022

Arising Out of PS. Case No.-36 Year-2015 Thana- DULHIN BAZAR District- Patna

NAND LAL KUMAR @ NAND LAL PASWAN @ GANESH KUMAR S/o
Sri Baban Prasad @ Baban Paswan R/o village- Piplama, P.S.- Naubatpur,
District- Patna, Present Address Village- G.I.D., P.S. Dulhin Bazar, District-
Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sachchidanand Choudhary

For the Opposite Party/s : Mr.Md. Ataur Rahman

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 11-05-2022 Heard learned Counsel for the petitioner and learned
Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with
Sessions Trial No. 233 of 2021, arising out of Dulhin Bazar
Police Station Case No. 36 of 2015, registered for the offences
punishable under Section 302 of the Indian Penal Code and
Section 27 of the Arms Act.

This is the third attempt on behalf of the petitioner for
grant of regular bail. Earlier, the prayer for regular bail of the
petitioner was rejected by this Court, vide order, dated
25.11.2019, passed in Criminal Misc. No. 53618 of 2019 and
order, dated 15.09.2021, passed in Criminal Misc. No. 32322 of
2021 and by order, dated 15.09.2021, the petitioner was given



liberty to renew his prayer for bail after six months from the date of the order, if the trial does not register any progress.

The allegation, as per the First Information Report, is that the petitioner fired upon the son of the informant near his chest, due to which he died.

Learned Counsel for the petitioners submits that the petitioner has renewed his prayer for bail, as observed by this Court in the order dated 15.09.2021. He further submits that the petitioner is in custody since 09.05.2019, i.e. for three years. He next submits that the trial has not registered any substantial progress and only charges have been framed.

This Court, vide order, dated 13.04.2020, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 3rd Additional Sessions Judge, Danapur, and from perusal of the same, it would be evident that none of the chargesheeted witness has been examined in the trial as yet.

After having heard learned Counsel for the parties and taking into consideration the observation of this Court and the fact that the petitioner is in custody for three years, there is tardy progress in the trial and this is third attempt for bail on behalf of the petitioner, I am inclined to grant regular bail to the



petitioner.

This application is, accordingly, allowed.

Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 3rd Additional Sessions Judge, Danapur, in connection with Sessions Trial No. 233 of 2021, arising out of Dulhin Bazar Police Station Case No. 36 of 2015.

This is subject to the condition that the petitioner shall present himself before the Court, as and when required and in the event of failure on his part to appear before the Court on two consecutive occasions, his bail bond shall be liable to be cancelled.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

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