

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46955 of 2022

Arising Out of PS. Case No.-71 Year-2014 Thana- GOPALPUR District- Patna

PRAMOD RAI @ PRAMOD KUMAR S/O SRI LAL BABU RAI @ LAL
BABU RAY Resident of village- Shahpur, P.S.- Gopalpur, District- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	M/s Yogesh Chandra Verma, Sr. Advocate Suresh Kumar Arvind Kumar, Advocates
For the Opposite Party/s	:	Mr. Shyam Kumar Singh, APP
For the Informant	:	Dr. Ajeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 09-11-2022

Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the allegation in the FIR, the petitioner is said to have fired on the brother of the informant hitting him on his neck resulting in his death.

It is submitted by learned senior counsel appearing for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 28.7.2021 (Annexure-1) passed in Cr. Misc. no. 8409 of 2021. It is submitted that the petitioner has been falsely implicated in the case. The informant is not an eye



witness to the occurrence. In spite of the petitioner being in custody since 16.10.2019, the trial is still continuing and there is no chance of the same concluding in the near future. It is further submitted that as per the FIR, although the informant claimed himself to be an eye witness to the occurrence. However, in his examination in course of trial he did not support the prosecution case and he was declared hostile. Learned senior counsel refers to the deposition of the informant in course of trial which has been brought on record as Annexure-5 to this petition. It is submitted that the petitioner shall cooperate in the trial.

The application for bail is opposed by learned APP for the State and learned counsel for the informant.

Having heard learned counsel for the parties and taking into consideration the allegations in the FIR read with the contents of the deposition of the informant in course of trial wherein he did not support the prosecution case and was declared hostile, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 304 of 2018 (arising out of Gopalpur P.S. Case no. 71 of 2014) on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Addl. Sessions



Judge VIII, Patna.

It is further directed that the petitioner shall remain physically present in court on each date of the trial and shall cooperate in the trial.

(Partha Sarthy, J)

Spd/-

U		T	
---	--	---	--

