

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63441 of 2021

Arising Out of PS. Case No.-530 Year-2018 Thana- BIHAR District- Nalanda

Raju Ram, S/o Late Baldeo Ram, R/o Mohalla- Kalyanpur, Mirdad Bighapar,
P.S.- Bihar, District-Nalanda at Biharsharif

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amit Narayan, Advocate

For the Opposite Party/s : Ms. Pushpa Sinha, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

6 09-03-2022 Heard learned counsel for the petitioner and the
learned APP for the State.

The petitioner seeks bail in connection with Sessions
Trial No.538 of 2021 arising out of Bihar P.S. Case No.530 of
2018 (G.R. No.5146 of 2018) registered for the offence
punishable under Sections 307, 307/34, 323/34, 341/34 of the
Indian Penal Code and Section 27 of the Arms Act.

There is allegation against the petitioner of having
fired upon his own brother. Petitioner's wife is said to have
instigated the firing on account of some quarrel between the
children.

Prayer for bail was earlier rejected on 20.10.2020 in
Cr.Misc. No.27370 of 2020. As of now, the petitioner has
remained in custody since 10.02.2020 i.e., more than two years.



While renewing his prayer for bail, learned counsel for the petitioner has submitted that the prosecution has been instituted after delay of nearly one and a half months from the date of occurrence as the date of occurrence is 03.10.2018 whereas FIR has been lodged on 15.11.2018. The falsity of the allegation is further strengthened by the fact that the injury report is after yet much more delay i.e., 07.12.2019.

In the aforesaid circumstances and on opposition by the learned APP for grant of bail, this Court had directed for sending clear legible copy of the case diary along with the injury report. The same has been received.

Though the learned APP still opposes the prayer for bail, she is not in a position to dispute the fact that the injury reports are of 21.11.2019 at the Sadar Hospital, Biharsharif, and thereafter of 11.12.2019 from the Patna Medical College & Hospital, Patna. Further, it is apparent from the injury report of the P.M.C.H. that it does not describe any injury having been sustained by the alleged victim.

Having regard to such facts emerging from the materials collected during the course of investigation and the petitioner's period of custody and clean antecedents, 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.

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 learned Additional Sessions Judge-V, Nalanda at Biharsharif, in connection Sessions Trial No.538 of 2021 arising out of Bihar P.S. Case No.530 of 2018 (G.R. No.5146 of 2018), 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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