

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2936 of 2023

Arising Out of PS. Case No.-361 Year-2021 Thana- SUPAUL District- Supaul

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Rajesh Sharma @ Rajesh Kumar, Son of Ravidnra Sharma, R/O Ward No.11,
Village- Katahara, P.S.- Kishanpur, District- Supaul, State- Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Amarnath Jha, Advocate

For the Opposite Party/s : Md. Mushtaque Alam, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 18-01-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

In the present case, the petitioner, who is in custody since 16.07.2021, has renewed his prayer for bail in connection with Sessions Trial No. 218 of 2021, arising out of Supaul P.S. Case No. 361 of 2021, having earlier been rejected by order dated 09.06.2022 in Cr. Misc. No.5373 of 2022 for the alleged offences under Sections 324, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the petitioner fired upon the informant at the instigation of co-accused Surendra Yadav.

The learned counsel for the petitioner submits that the petitioner had earlier moved before this Court for grant of bail in Cr. Misc. No.5373 of 2022 and his prayer for bail was



rejected vide order dated 09.06.2022 with a liberty that if the trial was not concluded within six months, the petitioner might renew his prayer for bail. The learned counsel further submits that the petitioner is in custody since 16.07.2021 and the trial has not been concluded till date and the same is not expected to conclude in near future. The learned counsel further submits that the prosecution story is not believable and it is not probable that the co-accused called the petitioner only to fire upon the informant and in his deposition before the learned trial court, the informant has stated that no altercation took place with the co-accused Surendra Yadav.

Learned A.P.P. opposes the prayer for bail submitting that the petitioner shot at the informant in his abdomen and caused grievous injury.

Having regard to the facts and circumstances of the case and submissions made here-in-above and considering the slow pace of the trial and no likelihood of its conclusion in near future and further considering the period of custody of the petitioner, he is directed to 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 learned Additional Sessions Judge-I, Supaul, in connection with Sessions Trial No.



218 of 2021, arising out of Supaul P.S. Case No. 361 of 2021, subject to the conditions mentioned in Section 437 (3) of the Code of Criminal Procedure and also the following conditions :

(i) One of the bailors will be a close relative of the petitioner.

(ii) The petitioner will remain present on each and every date fixed by the court below.

(iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

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