

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12524 of 2022

Arising Out of PS. Case No.-20 Year-2019 Thana- BIDUPUR District- Vaishali

Gabbar Rai @ Dinesh Rai @ Binesh Ray S/o Late Chandradeep Rai, R/o
Village- Nawanagar, P.S.- Bidupur, District- Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Jha, Advocate
For the Opposite Party/s : Mr. Abhay Kumar, APP

CORAM: HONOURABLE MR. JUSTICE A. M. BADAR
ORAL ORDER

4 29-03-2023 After two rejections, the applicant/accused in Crime
No.20 of 2019 registered with Bidupur Police Station for the
offences punishable under Sections 341, 323, 307, 504, 506, 448
read with Section 34 of the Indian Penal Code, by this
application has renewed his prayer for grant of bail.

It is argued by the learned counsel for the applicant/
accused that the applicant is undergoing pretrial detention from
14.05.2019 and there is no progress in the trial as of now. It is
further argued that both the injured in the incident in question
were recovered long back and there is no possibility of the
offence travelling any further than the one punishable under
Section 307 of the Indian Penal Code.

The learned Additional Public Prosecutor opposed
the application by contending that the crime in question is
serious.



I have considered the submissions so advanced and also perused the case diary placed before me.

According to the prosecution case, the applicant along with at least two other accused persons had fired bullets on Rakesh Kumar and Kedarnath Sah causing injuries to them. Perusal of the medical report shows that Kedarnath Sah had sustained fracture injuries and medical report of Rakesh Kumar shows that he had suffered lacerated wound just above the left knee joint and it was an injury caused by the firearm. The medical report extracted in the case diary does not reveals that the fracture injury was caused by firing a bullet.

Be that as it may, it is seen that there is no progress in the trial and the offence has not traveled to the one punishable under Section 302 of the IPC. Both the injured, as stated by the learned counsel for the applicant/accused has already recovered. Hence further pretrial detention of the applicant/accused is not warranted and as such the orders:

- (i). The application is allowed.
- (ii). The applicant/accused in Crime No. 20 of 2019 registered with Bidupur Police Station for the offence punishable under Sections 341, 323, 307, 504, 506, 448 read with Section 34 of the Indian Penal Code, be released on bail on



executing P.R. Bond of Rs.15,000/- (Rupees Fifteen Thousand) and on furnishing surety of the like amount to the satisfaction of the Trial Court with the following conditions :-

(I) The applicant/accused should not extend any threat, promise of inducement to the persons acquainted with the facts of the accusation against him so as to dissuade him from disclosing such facts to the Court or to any police officer.

(II) The applicant/accused should cooperate the Trial Court in expeditious disposal of the trial against him.

(III) The applicant/accused should not repeat commission of similar offence in future and if he is found to be involved in commission of similar offence, the State is at liberty to apply for cancellation of bail granted to the applicant in the instant case.

(IV) The applicant/accused should not tamper prosecution evidence in any manner.

The applicant to remove all office objections forthwith and the Registry to issue the certified copy of this order only after removal of office objections by the applicant.

(A. M. Badar, J)

Saurabhkrsinha/
Mkr/-

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