

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.22208 of 2022

Arising Out of PS. Case No.-107 Year-2020 Thana- MANER District- Patna

NAGENDRA RAI Son of Ram Swaroop Rai Resident of Village - Sherpur,
Rampur, P.S.- Maner, District - Patna.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Prasad Singh

For the Opposite Party/s : Mr.Narendra Kumar Singh

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 12-01-2023 Let the defect(s), as pointed out by the office, be
removed within a period of four weeks from today.

Heard learned counsel for the petitioner and
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Sessions Trial No. 148/2021 arising out of Maner P.S. Case No.
107 of 2020 registered for the offences punishable under
Sections 307, 533, 34 of the Indian Penal Code and Sections
25(1-B)a, 26, 35 of the Arms Act.

As per prosecution case, it is alleged that petitioner
fired at the police. However, no injury was caused to anyone. It
is further alleged that from possession of petitioner a pistol, a
live cartridge and a used cartridge were recovered.

Learned counsel for the petitioner submits that bail



petition of present petitioner was earlier rejected by the co-ordinate Bench of this court vide Cr. Misc. No. 38297 of 2020 on 12.03.2021 with condition that if the trial is not concluded within six months from the date of framing of charge, the petitioner would be at liberty to renew the prayer for bail before the trial judge itself. Learned counsel further submits that charge has been framed in the present case on 10.09.2021 and now the case is fixed for prosecution evidence. From the date of framing of charge more than one year has elapsed and petitioner is entitled for bail in the light of direction given by the co-ordinate Bench of this court. He further submits that petitioner bears criminal antecedent of two cases. Petitioner is in custody since 13.03.2020. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence.

The learned A.P.P. for the State opposes the prayer for bail of the petitioner.

A report was called for from the concerned court with regard to progress report of trial and the trial court sent the progress report of trial which indicates that charge has been framed on 10.09.2021 and the case is fixed for prosecution evidence. There is no whispering that any of the prosecution



witness has been examined by the concerned court. The aforesaid report also indicates that delay of trial is not attributable to the present petitioner as the petitioner is in custody since 13.03.2020.

Considering the facts and circumstances of the case, period of custody which is more than two years, charge has already been framed, delay of trial is not attributable to the petitioner as petitioner is in custody, charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence, argument advanced on behalf of both sides and also taking into consideration the material available on record, let the petitioner above named be released on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Danapur, Patna in connection with Sessions Trial No. 148/2021 arising out of Maner P.S. Case No. 107 of 2020, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will remain present on each and every date and if he fails to do so without



appropriate permission of trial court, his bail bond shall be cancelled by the trial court itself.

(iii) If the petitioner tampers with the evidence or the witnesses, in that case, the prosecution will be at liberty to move for cancellation of bail.

(Alok Kumar Pandey, J)

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