

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.25262 of 2023

Arising Out of PS. Case No.-91 Year-2015 Thana- PASRAHA District- Khagaria

Akhilesh Das @ Ghoghna Das, Son Of Bisho Das, Resident Of Village -
Tehai, P.S. - Pasraha, Distt. - Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh, Advocate

For the Opposite Party/s : Ms. Meena Singh, APP

CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

5 12-07-2023 Heard learned counsel for the petitioner and learned APP
for the State.

Petitioner seeks bail in connection with Pasraha P.S.
Case No. 91 of 2015 registered under Sections 341, 448, 302,
120B and 34 of the Indian Penal Code and Section 27 of the
Arms Act.

The petitioner's prayer for bail was earlier rejected on
03.05.2018 in Cr. Misc. No. 17498 of 2018. The second
application in Cr. Misc. No. 18738 of 2019 was also rejected on
03.07.2019.

The allegation is of causing firearm injury upon the
deceased.

Considering the merit of the allegation, the prayer was



rejected on the earlier two occasions. Whereafter, the petitioner has remained in custody for more than five years.

Learned counsel for the petitioner relies upon order dated 29.11.2022 passed in Cr. Misc. No. 11112 of 2022 (Annexure-3) to submit that co-accused having similar, in fact identical allegation, was directed to be released on bail having regard to the period of custody, which is similar to the instant petitioner. The stage of trial is also not substantially different, in as much as at the time his prayer was allowed, five witness had been examined, whereas in the instant case, six have been examined leaving two to be examined.

Learned APP has opposed the prayer for bail.

Considering the petitioner's claim based on parity and period of custody, this Court is inclined to allow the petitioner's prayer for bail. Prayer for bail of the petitioner is allowed.

Let the petitioner above named be released on bail on furnishing bail bonds of Rs. 10,000/- (Ten thousand) with two sureties of the like amount each to the satisfaction of learned Sessions Judge, Khagaria in Pasraha P.S. Case No. 91 of 2015, 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.

(Madhuresh Prasad, J)

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