

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24516 of 2023

Arising Out of PS. Case No.-138 Year-2020 Thana- ALAMGANJ District- Patna

MD. RAJA @ RAJA SON OF MD. IMTIYAZ SHAMIM Resident of Firdaus
Market, Machhua Toli, P.S. - Alamganj, Distt. - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Nagendra Kumar

For the Opposite Party/s : Mr.Raj Ballabh Singh

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 21-06-2023 Heard the parties.

Petitioner has renewed his prayer for regular bail in connection with Alamganj P.S. Case No. 138 of 2020 dated: 23/02/2020 registered under Section 302, 120 (B), 34 of the IPC and Section 27 of the Arms Act inasmuch earlier bail application of the petitioner was rejected vide Cr. Misc. No. 32634 of 2021 and Cr. Misc. No. 45749 of 2022 by order dated: 04/04/2022 and 14/09/2022 respectively.

The allegation as per the First Information Report is that the brother of the informant had gone on 20.02.2020 for treatment in a hospital at Patna. However, on 23.02.2020 at about 5:20 PM he got information that his brother has been



killed by firearm. The informant has raised suspicion against the petitioner and other co-accused persons.

This is third attempt for grant of bail on behalf of the petitioner inasmuch as the second bail application of the petitioner was also rejected vide order dated: 14/09/2022 passed in Cr. Misc. No. 45749 / 2022 (Annexure - 1/1 to this bail application) on the ground that the petitioner had renewed his prayer for bail merely within four months after rejection of the first bail application.

Learned counsel for the petitioner submits that during the course of trial the eye witness whose statement has been recorded during the course of investigation in paragraph-34 of the case diary has turned hostile, which would be evident from Annexure- 4 to the supplementary affidavit. He further submits that despite the order having been passed by this Court while rejecting the first bail application of the petitioner directing the trial court to expedite the trial, the trial has not concluded expeditiously and only two witnesses have been examined and seven charge sheet witnesses are yet to be examined. The petitioner is in custody since 14/10/2020 and there is no likelihood that the petitioner will abscond or tamper with the evidence.

Regarding being had to the submission made by the



parties, taking into consideration the statement of the eye witness at Annexure-4 to the supplementary affidavit and the fact that trial has not progressed satisfactorily, I am inclined to grant regular bail to the petitioner.

Let the petitioner, above named, be released on regular bail on furnishing bail bond of Rs. 20000 /- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned 1st Addl. District & Sessions Judge, Patna City in connection with Alamganj P.S. Case No. 138 / 2020 corresponding to S.T. No. 391 / 2021 on condition that the petitioner shall remain physically present on each and every date during the course of trial and in case of default on two consecutive dates his bail bond shall liable to be cancelled.

(Anil Kumar Sinha, J)

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