

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33086 of 2023

Arising Out of PS. Case No.-243 Year-2019 Thana- KUMAR KHAND District- Madhepura

Panchanand Das @ Panchu S/O Ganeshi Das R/O Village- Laxmipur
Bhagwati, P.S.-Srinagar, District-Madhepura

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arun, Advocate

For the Opposite Party/s : Mr. Ashok Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 11-07-2023 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with
Kumarkhand P.S. Case No. 243 of 2019 registered for the
offence under Sections 307, 120-B/34 of the Indian Penal Code
and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 05.03.2021.

The allegation against this petitioner is to open fire
upon informant/injured causing bullet injuries on his stomach,
where occurrence arises out of local dispute and differences.

Learned counsel appearing on behalf of the petitioner
submitted that occurrence is of 7:00 PM and it is highly



improbable to identify a person in dark as claimed by informant/injured, where present allegation is the result of an after thought out of local dispute and differences, where in fact occurrence caused by some other miscreants. It is submitted that the present F.I.R. was lodged with a delay of eight days without having any just explanation. It is further submitted that petitioner found involved in total of 18 cases, where he has already acquitted in 5 cases and in remaining 13 cases he is on bail in 10 cases as not even remanded in remaining 3 cases. While concluding the argument, it has been submitted that petitioner is in custody since 05.03.2021 and not even charge has been framed in this case and as such trial is not likely to conclude in near future.

Learned APP opposes the prayer of bail.

Considering the facts and circumstances as mentioned above, as the present F.I.R. was lodged with a delay of 8 days coupled with the fact that petitioner is in custody since 05.03.2021, where trial is not likely to conclude in near future, as even now charge has not been framed in this case against petitioner, accordingly the petitioner, above named, is directed to be released on bail in connection with Kumarkhand P.S. Case No. 243 of 2019 on furnishing bail bond of Rs.10,000/- (Rupees



Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional Chief Judicial Magistrate-II, Madhepura/concerned Court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C., with further conditions:

“(i) That accused/petitioner shall not involve in the similar nature of offence till the conclusion of trial, failing which the State shall be at liberty to move before the Trial Court itself for the cancellation of bail bond of the petitioner.

(ii) That accused/petitioner shall cooperate in the trial and shall be physically present on each and every date before the Trial Court till conclusion of the trial and exemption from physical appearance be allowed by the Trial Court, only on medical ground of the petitioner, duly supported by the documents.

(iii) That one of the bailors shall be deponent of the present bail petition.”

The presence of I.O. of this case is dispensed with.

(Chandra Shekhar Jha, J)

Archana/-

U		T	
---	--	---	--

