

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33765 of 2022

Arising Out of PS. Case No.-195 Year-2021 Thana- BAKHTIYARPUR District- Patna

PRADUMAN KUMAR SON OF SRI SANJAY RAI R/O VILLAGE- TEJA
BIGHA, P.S.- SALIMPUR, DISTRICT- PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Adv. Ms. Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Atul Chandra, APP
For the Informant	:	Mr. Abhitabh Kumar, Adv.

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 13-01-2023 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the nine named accused persons including the petitioner herein are said to have come variously armed. It is stated that while the petitioner and one Bhola caught hold of the informant's brother, Deogan Rai shot at him from his pistol in his chest as a result of which he died.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case. No overt act has been alleged against him. He is in custody since 16.1.2022 and has no criminal antecedent. It is submitted that



the trial has commenced in the learned trial court and he undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the F.I.R. but there is direct allegation against him of having actively participated in the occurrence. Once he is enlarged on bail, he will not cooperate in the trial.

Having heard learned counsel for the parties and taking into consideration that the allegation of firing is solely against co-accused Deogan Rai, the petitioner having remained in custody since 16.1.2022 and not having any criminal antecedent, the Court directs the petitioner to be enlarged on bail in connection with Bakhtiyarpur P.S. Case no.195 of 2021 on furnishing bail bond of Rs.10,000/ (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Chief Judicial Magistrate III, Barh, District Patna, on the following conditions:

(i) the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.

In case the learned trial court is of the opinion that the trial is being delayed due to non-cooperation on part of the



petitioner, the learned trial court may cancel the bail bond of the
petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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