

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46034 of 2023

Arising Out of PS. Case No.-745 Year-2019 Thana- FATUA District- Patna

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PAWAN KUMAR SINGH @ PAWAN @ LALA @ PAWANKUMAR SON
OF RAM BABU SINGH RESIDENT OF VILLAGE- SOTICHAK, PS-
FATUHA, DISTT- PATNA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kanchan Kumari

For the Opposite Party/s : Mr.Pranav Kumar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 01-09-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with
Fatuha P.S. Case No. 745 of 2019, Str. No. 215/2023,
supplementary record Str. No. 342/2022 registered for the
offences punishable under Sections 341, 323, 324, 384, 386,
307, 504, 506/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per prosecution case, petitioner is said to
have fired upon the informant's father which hit in his stomach.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 13.05.2022 and bears criminal



antecedent of three cases in which he is on bail in all cases. He further submits that the bail prayer of the present petitioner has already been rejected by this Court vide Cr. Misc. No. 45067 of 2022 on 07.12.2022 with an observation that the petitioner may renew prayer for bail after six months from the date of receipt/production of copy of this order to the concerned court, if there is no substantial progress in the proceeding of trial within the stipulated period. He further submits that he has filed the present bail petition after eight months from the date of rejection of his previous bail prayer. Learned counsel for the petitioner orally further submits that the charge has been framed on 26.06.2023 and not a single witness has been examined. He further submits that the delay of trial is not attributable to the present petitioner as he is in custody since 13.05.2022.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner but conceded to the submission of the learned counsel for the petitioner that this court while rejecting the prayer for bail of the petitioner observed that if the trial is not concluded preferably within six months, the petitioner may renew his prayer for bail.

6. A report regarding stage of trial has been called for vide order dated 19.07.2023. The trial court vide letter no.



248 dated 01.08.2023 has sent its report which reveals that not a single witness has been examined. The aforesaid report further reflects that the delay of trial is not attributable to the present petitioner as he is in custody since 13.05.2022.

7. Considering the facts and circumstances of the case, period of custody, trial is not concluded within six months and delay of trial is not attributable to the petitioner, argument advanced on behalf of the 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. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned A.D.J. IInd, Patna City, Patna in connection with Fathua P.S. Case No. 745 of 2019 and Str. No. 215/2023, supplementary record Str. No. 342/2022 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 all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned 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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