

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41496 of 2023

Arising Out of PS. Case No.-759 Year-2022 Thana- KATIHAR NAGAR District- Katihar

PANNA LAL DAS @ PANNA KUMAR DAS S/O SHAMBHU DAS @
SHAMBHU NATH R/O VILLAGE- CHANNADIH BHAGWAN CHOWK,
PS. NAGAR,DISTT. KATIHAR

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Sanjeev Kumar Singh, Advocate

For the Opposite Party/s : Mr. Gauri Shankar Gupta, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

2 21-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is an accused in connection with Katihar Nagar P.S. Case No. 759 of 2022 registered for the offences under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 16.11.2022 by the informant, Surendra Mahto.

As per the prosecution story, the main allegation is against Md. Mazhar Ali that he opened fire which hit the head of the son of the informant, rushed to the hospital where the doctor declared brought him dead. So far as the allegation against this accused person is concerned, it is alleged that he also opened fire on the informant/family members. Accordingly, the FIR.



It is the submission of the learned Counsel for the petitioner that the deceased received single bullet injury that is attributed to Md. Mazhar Ali. Though, there is allegation of opening fire on other accused persons, no injury has been attributed.

The last submission is that similarly placed accused person Md. Naushad has since been released on bail vide Cr. Misc. No. 29530 of 2023 on 14.06.2023 (Annexure 2 to the petition).

Learned APP for the State, on the other hand, opposes the prayer for bail but concedes that the main allegation is against Md. Mazhar Ali.

Considering the aforesaid facts as also his period of custody (17.11.2022) and he do not have criminal antecedent as also the fact that one of the co-accused have since been granted bail, this Court is inclined to extend him privilege of bail.

Let the petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of like amount each to the satisfaction of the learned Court of Additional Sessions Judge-V, Katihar in connection with Katihar Nagar P.S. Case No. 759 of 2022 in S.T. No. 126 of 2023, subject to the following conditions:-



(i) one of the bailor should be the family member of the petitioner who shall provide official document to show his *bona fide*;

(ii) the petitioner shall appear on each and every date before the Trial court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial court itself;

(iii) the petitioner shall appear before the concerned police station every month for next one year to mark attendance;

(iv) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of his bail bonds;

(v) the petitioner shall desist from committing any criminal offence again failing which the State shall be at liberty to take steps for cancellation of the bail bonds.

With the aforesaid observations, the bail application is allowed.

(Rajiv Roy, J)

Neha/-

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

