

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48118 of 2023

Arising Out of PS. Case No.-746 Year-2021 Thana- KHAJANCHI HAT District- Purnia

Sanni @ Sanni Choudhary @ Ujjawal Choudhary @ Ujjawal Kumar Choudhary, Son of Shashi Bhushan Choudhary Resident of Village - Asarganj, Siyadih, P.S.- Bath, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ankit Raj, Advocate

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

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

2 26-07-2023 Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with K. Hat P.S. Case No. 746 of 2021 registered for the alleged offences under Sections 307/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the informant was shot at by the petitioner at the instance of co-accused Rahul Piyush. The informant received one gun shot injury.

4. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected by this Court vide order dated 19.07.2022 passed in Cr. Misc. No. 3679 of



2022 with a direction to the learned trial court to expedite the trial and conclude the same within a period of nine months with liberty to the petitioner if the trial is not concluded within the aforesaid period, the petitioner may renew his prayer for bail. Learned counsel further submits that in this case out of 13 witnesses only 7 witnesses have been examined till date and none of them have supported the prosecution case. Learned counsel further submits that there is no likelihood of conclusion of trial in near future since 6 witnesses are yet to be examined. The petitioner is in custody since 21.08.2021.

5. Learned APP opposes the prayer for bail submitting that no new ground has been brought for re-consideration of the prayer for bail of the petitioner.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the period of custody of the petitioner and further considering the fact that there appears no possibility of early conclusion of trial, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IV, Purnia/court concerned in connection with K.Hat P.S. Case No. 746 of 2021, subject to the



condition mentioned in Section 437(3) of the Cr.P.C. and other
the following conditions:

- (i) One of the bailors will be a close relative of
the petitioner.
- (ii) The petitioner will remain present on each and
every date fixed by the court below.
- (iii) In case of absence on three consecutive dates
or in violation of the terms of the bail, the bail
bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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