

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.49777 of 2023**

Arising Out of PS. Case No.-226 Year-2019 Thana- GWALPARA District-
Madhepura

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PRANAV KUMAR SON OF ASHOK KUMAR RESIDENT OF VILLAGE-
MAHARAJGANJ, PS- GWALPARA (ARAR OP.), DIST- MADHEPURA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. N.K. Agarwal, Sr. Adv.
Mr. Kanchan Jha,

For the Opposite Party/s : Mr. Madhav Jha
Mr. Awadhesh Kumar Singh

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 15-12-2023 Heard Mr. N.K. Agarwal, learned senior counsel for

the petitioner and Mr. Awadhesh Kumar Singh, learned A.P.P.

for the State.

The petitioner seeks bail in connection with
Gwalpara P.S. Case No. 226 of 2019 registered for the offence
under Sections 302, 120(B), 379, 34 of the Indian Penal
Code.

The petitioner is alleged to have opened fire upon
the nephew of the informant due to which he died.

Learned senior counsel appearing for the
petitioner submits that the petitioner, who is of clean
antecedent, is innocent and has falsely been implicated in



this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioner has not committed any offence. He further submits that the allegation as alleged in the F.I.R. is not supported by the medical evidence (postmortem report). He further submits that the co-accused, Sintu Kumar and Ratan Yadav @ Ratan Kumar Yadav having more or less similar allegation have already been granted bail by this Court vide order dated 06.01.2022 passed in Cr. Misc. No. 36858 of 2021 and co-accused, Dhruv Kmar Mandal @ Dhruv Mandal @ Uday Kumar and Alok Kumar have also been granted bail by a co-ordinate Bench of this Court vide order dated 17.03.2021 and 02.02.2022 passed in Cr. Misc. No. 40897 of 2020 and Cr. Misc. No. 56324 of 2021 and the case of this petition stands on better footing to that of the co-accused. The petitioner is rotting in judicial custody since 20.02.2023.

Learned A.P.P. for the State opposed the prayer for bail of the petitioner and submits that there is direct allegation of firing against the petitioner causing death of the nephew of the informant.

A report with regard to present stage of the trial has been called for by this Court vide order dated



03.11.2023 which has been received and forms part of this application at Flag-A. On perusal thereof, it would reveal that the charges were framed against all the accused persons on 17.06.2023 and out of ten charge-sheet witnesses, three have been examined.

Learned counsel appearing for the petitioner referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the co-accused persons have been granted bail by this Court whereas the petitioner is languishing in judicial custody since 20.02.2023.

Considering the facts and circumstances of the case, let the, above named, petitioner be released on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned A.C.J.M.-II, Udakishungaj, Madhepura in connection with Gwalpara P.S. Case No. 226 of 2019 with the following conditions:-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his/her absence on two consecutive dates



without sufficient reason, his/her bail bond shall be canceled by the Court below.

(2) 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.

And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at any stage, it is found that the petitioner has concealed his criminal antecedent, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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