

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56391 of 2023

Arising Out of PS. Case No.-412 Year-2020 Thana- ALAMGANJ District- Patna

BADSHAH @ MD RAJA S/O MD SIRAJ @ SHERAJ R/O MOHALLA-
DANKA IMLI, PS. ALAMGANJ, DIST. PATNA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Arvind Kumar Pradhan, Advocate

For the Opposite Party/s : Mr. Anil Kumar Singh No. 1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

3 22-09-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with S. Tr. no. 280 of 2021 (arising out of Alamganj P.S. Case no. 412 of 2020) registered under sections 302, 504, 506 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, while co-accused Mani Sahni caught hold of the informant's husband, the accused persons including the petitioner herein shot at him resulting in his death.

4. It is submitted by learned counsel for the petitioner that the prayer for bail of the petitioner was rejected earlier vide order dated 16.1.2023 (Annexure-1) passed in Cr. Misc. no. 28223 of 2022. In spite of the petitioner having remained in custody since 25.7.2020 and charge having been framed on



26.8.2021, no witness has been examined on behalf of the prosecution. The petitioner undertakes to cooperate in the trial.

5. Heard learned APP for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 11.9.2023 of the learned Additional District and Sessions Judge I, Sessions Court, Patna City no witness has turned up on behalf of the prosecution inspite of summons being issued to them for their appearance.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner, the petitioner having remained in custody for more than 3 years since 25.7.2020 and the contents of the report of the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with S.Tr. no. 280 of 2021 (arising out of Alamganj P.S. Case no. 412 of 2020) 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 A.D.J - I, Patna City, District Patna.

(Partha Sarthy, J)

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