

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.59866 of 2023**

Arising Out of PS. Case No.-241 Year-2019 Thana- BUXAR MUFFSIL District- Buxar

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DHIRAJ KAMKAR S/O LATE RAJ KUMAR KAMKAR @ RAJ KUMAR  
PRASAD PANDEY R/O VILLAGE- PANDEYPATTI, PS. BUXAR  
(MUFFASIL), DIST. BUXAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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**Appearance :**

For the Petitioner/s : Mr.Setu Prateek

For the Opposite Party/s : Mr.Ram Bilash Roy Raman

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**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**  
**ORAL ORDER**

- 3      10-11-2023      1. Heard learned Counsel for the petitioner and learned Additional Public Prosecutor for the State.
2. The petitioner seeks regular bail in connection with Sessions Trial No. 255 of 2019, arising out of Buxar (Mufassil) Police Station Case No. 241 of 2019, registered for the offences punishable under Section 302/120-B/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was rejected by this Court, vide order, dated 01.02.2022, passed in Criminal Misc. No. 35870 of 2021, giving liberty to the petitioner to renew his prayer for bail



after nine months from the date of the order, if the trial does not register any substantial progress.

4. The allegation against the petitioner, as per the First Information Report, is that he fired upon the son of the informant, due to which he died.
5. Learned Counsel for the petitioner submits that the petitioner is in custody since 03.06.2020, i.e. for more than three years and only one charge sheet witness has been examined during the trial, as yet.
6. This Court, vide order, dated 08.09.2023, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report, dated 21.09.2023, has been submitted by learned Additional Sessions Judge-V, Buxar and from perusal of the same, it would be evident that out of ten charge sheet witnesses, only one has been examined during the trial. It has further been reported that if the prosecution produces rest of the charge sheet witnesses, the trial is likely to be concluded within a period of ten months from the date of the report.
7. After having heard learned Counsel for the parties and taking into consideration the fact that the petitioner has



remained in custody for more than three years and only one charge sheet witness, out of ten, has been examined during the trial as yet, I am inclined to grant regular bail to the petitioner.

8. This application is, accordingly, allowed.
9. Let the petitioner, above named, be released on bail, upon furnishing bail bonds of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-V, Buxar in connection with Sessions Trial No. 255 of 2019, arising out of Buxar (Mufassil) Police Station Case No. 241 of 2019.

**(Anil Kumar Sinha, J.)**

harshpandey/-

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