

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60919 of 2022

Arising Out of PS. Case No.-160 Year-2012 Thana- PALIGANJ District- Patna

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SRIKANT DAS Son of Late Bhutali Das Resident of Village- Dariyapur, P.S.-
Pipra, District- Patna

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Satish Kumar Sinha, Advocate
		Mr. Sadanand Paswan, Advocate
For the Opposite Party/s	:	Mr. Pranav Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHUTOSH KUMAR
ORAL ORDER

3 05-04-2023 Heard Mr. Satish Kumar Sinha, learned Advocate
for the petitioner and Mr. Pranav Kumar for the State.

The petitioner seeks bail in connection with Sessions Trial No. 47 of 2019, arising out of Paliganj P.S. Case No. 160 of 2012 dated 20.07.2012 instituted for the offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The prayer for bail of the petitioner was earlier rejected *vide* order dated 09.02.2022 passed in Cr. Misc. No. 2089 of 2022.

The accusation against the petitioner is of having opened fire, killing the deceased. Similar allegation has been levelled against two other persons, who have been granted bail by different Benches of this Court though before the order of the rejection of bail of the petitioner by this Court.



It appears that in a case of 2013, the petitioner surrendered before the court below in the year 2019.

It further appears from the paragraph-3 of the bail petition that the explanation offered by the petitioner is that he had no idea about lodging of this case as he is not a resident of the locality where the occurrence is said to have taken place.

He has further submitted that though the petitioner is alleged to have fired with his rifle but the deceased has suffered four injuries; none of which is a gun-shot injury. He further submits that the accusation in the FIR is absolutely false and ought not to be believed.

This Court taking into account the period of custody of the petitioner from 05.12.2019 had asked for a report about the stage of the case from the court below.

The report dated 15.02.2023 indicates that out of eight chargesheeted witnesses, only two have been examined up till now and all other official witnesses including the I.O. have not yet been examined. There does not appear to be any possibility of the conclusion of the trial in near future.

Considering the afore-noted aspects, this Court is inclined to grant bail to the petitioner.

The petitioner is directed to be released on bail on his furnishing bail bonds in the sum of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions



Judge- 7th Danapur, Patna in connection with Sessions Trial No. 47 of 2019, arising out of Paliganj P.S. Case No. 160 of 2012.

However, the petitioner shall while furnishing bail bonds provide his mobile telephone number and his permanent place of abode. The mobile telephone number provided by the petitioner shall be kept in operative condition till the trial is concluded. The petitioner shall also get his presence marked before the officer-in-charge of the concerned police station on every second Monday of the month and the officer-in-charge shall not unnecessarily detain the petitioner in police station premises and shall immediately record his presence. The petitioner shall not leave the territorial confines of the district in which the trial is to commence without the prior permission of the trial court. One of the bailors of the petitioner shall be his wife. Any breach of anyone of the conditions imposed herein shall entitle the trial court to proceed for cancellation of bail of the petitioner.

The petition stands disposed of accordingly.

(Ashutosh Kumar, J)

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