

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64409 of 2023

Arising Out of PS. Case No.-389 Year-2019 Thana- LALGANJ District- Vaishali

UDAY PANDEY, Male, aged about 41 years, SON OF ARVIND PANDEY
RESIDENT OF VILLAGE - LAKHANSARAI, P.S. - LALGANJ, DISTRICT
- VAISHALI

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Manish Chandra Gandhi, Advocate
Mr. Himanshu Ranjan, Advocate
For the Opposite Party/s : Mr. Binod Kumar No.3, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 22-09-2023 1. Heard learned counsel for the petitioner and the
learned APP for the State.
2. Petitioner seeks regular bail in connection with
Lalganj P.S. Case No. 389 of 2019 dated 07.11.2019 registered
for the offence(s) punishable under Section(s) 341, 323, 307,
302, 504, 506, 120(B) of the Indian Penal Code and Section 27
of the Arms Act.
3. This is third attempt of the petitioner to get the
relief of regular bail and he has come again for the same relief
mainly on the ground of liberty granted to him by this Bench in
the rejection order of petitioner's earlier prayer in Cr. Misc.
No.19669 of 2022.
4. The main submissions advanced by learned



counsel for the petitioner are that the petitioner has been languishing in jail since 12.11.2019, in the last rejection order, the petitioner was given liberty to renew his bail prayer, if his trial is not concluded within one year from the date of that order and petitioner's trial is still running and only three prosecution witnesses have been examined till date. Further submissions are that in the trial of the petitioner, three material witnesses including the informant, who is stated to be injured, have been examined, out of them, two have been declared hostile and informant, injured of the present matter, deposed in the cross-examination that he named the accused in the FIR at the instance of other persons and he had not seen the person who fired at him and deposition copy of the said witnesses have been filed along with this petition.

5. Learned APP appearing for the State has opposed the bail prayer.

6. Considering the above submissions and mainly taking into account the petitioner's custody period as well as the examination of material witnesses of the prosecution, discussed above, in my opinion, now the petitioner deserves to the privilege of bail. Accordingly, let the petitioner named-above be enlarged on bail in connection with Lalganj P.S. Case No.



389 of 2019 on furnishing bail bond of Rs.10,000/-(Ten
Thousand) with two sureties of the like amount each to the
satisfaction of the Court concerned.

(Shailendra Singh, J)

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