

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68934 of 2023

Arising Out of PS. Case No.-359 Year-2015 Thana- AMARPUR District- Banka

PAPPU PANJIYARA @ PRABHAT @ PRABHAT RANJAN @ PRABHAT
PANJIYARA, S/O LATE JAGDISH PANJIYARA, R/O VILLAGE-
NAGARDIH, P.S- FULLIDUMAR, DISTRICT- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr. Brij Nandad Prasad, Advocate
For the Opposite Party/s	:	Mr. Shantanu Kumar, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 3 15-12-2023 1. Heard learned Senior counsel for the petitioner and
learned APP for State.
2. The petitioner has renewed his prayer for grant of
regular bail in connection with Sessions Trial no. 13/2023,
arising out of Amarpur (Fullidumar) Banka P.S. Case no.
359/2015 registered under sections 302, 147, 148, 149 and 341
the Indian Penal Code and section 27 of the Arms Act.
3. The earlier applications for bail of the petitioner
were rejected vide orders dated 22.11.2021 passed in Cr. Misc.
no. 12448 of 2021 and dated 22.2.2023 passed in Cr. Misc. no.
68459 of 2022 (Annexure-1 series).
4. As per the prosecution case, the petitioner is said to
have fired from his country made revolver as a result of which



the grand father of the informant died.

5. It is submitted by learned Senior Counsel appearing for the petitioner that by order dated 22.2.2023 liberty was granted to the petitioner to renew his prayer for bail, if there is no substantial progress in the trial in the learned trial Court, in six months. Inspite of the petitioner being in custody since 30.8.2019, not a single witness has been examined on behalf of the prosecution and thus there is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial.

6. The application for bail is opposed by learned APP for the State.

7. A report was called for from the learned trial Court. As per the report received contained in letter dated 23.11.2023, charge was framed on 13.9.2023, however, no prosecution witness has appeared before the Court for examination.

8. Having heard learned Senior counsel for the petitioner and learned APP for the State, having perused the allegations in the FIR and especially taking into account that inspite of the petitioner having remained in custody for more than 4 years since 30.8.2019, charge having been framed on 13.9.2023, not a single witness has turned up on behalf of the



prosecution for examination in the learned trial Court, the petitioner is directed to be enlarged on bail in connection with Sessions Trial no. 13/2023 [arising out of Amarapur (Fullidumar) Banka P.S. Case no. 359 of 2015] 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 Additional Sessions Judge-Ist, Banka on the following conditions:-

(I) The petitioner shall remain physically present in the trial court on each date of the case/trial and shall cooperate in the trial.

(II) In case, the petitioner is not physically present or does not cooperate and the learned trial Court is of the opinion that the trial is being delayed due to non-cooperation on part of the petitioner, the learned trial Court may cancel the bail bond of the petitioner and take him into custody till conclusion of the trial.

(Partha Sarthy, J)

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