

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70320 of 2022

Arising Out of PS. Case No.-745 Year-2019 Thana- FATUA District- Patna

SUBODH KUMAR Son of Late Lal Babu Singh Resident of Sotichak, P.S-
Fatuha, Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Praveen Kumar, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

3 25-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. Petitioner seeks bail, who is in custody since 27.12.2020, in connection with Sessions Trial No. 342 of 2022 arising out of Fatuha P.S. Case No. 745 of 2019, F.I.R. dated 27.10.2019 registered for the offences punishable under Sections 341, 323, 324, 384, 386, 307, 504, 506, 34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he fired upon the informant's father which hit in the right hand and thereafter he was taken to Hospital for treatment.

4. Earlier the bail petition of the petitioner was rejected twice vide order dated 20.12.2021 passed in Cr. Misc. No. 23706 of 2021 and vide order dated 28.04.2022 passed in



Cr. Misc. No. 18811 of 2022 respectively. Learned counsel for the petitioner submits that from perusal of the F.I.R. it appears that as per allegation in the F.I.R. the petitioner has fired upon the victim and he has received injury in his right hand and the allegation against co-accused person namely Pawan Kumar Singh @ Pawan @ Lala against whom the allegation that he has fired upon the stomach of the victim has been granted bail by a Coordinate Bench of this court vide order dated 01.09.2023 passed in Cr. Misc. No. 46034 of 2023.

5. Vide order dated 29.08.2023 a report was called for with regard to the stage of the trial. Report dated 05.09.2023 of the learned Trial Court reveals that case is pending for the examination of prosecution witnesses and till date prosecution has not examined any witness as yet.

6. Learned counsel for the petitioner submits that in view of the report of the learned Trial Court, the trial is not concluded in near future and the petitioner is in custody since 27.12.2020 and apart from the aforesaid, other co-accused person namely Pawan Kumar Singh @ Pawan @ Lala has been granted bail by a Coordinate Bench of this Court.

7. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail of the



petitioner and submits that the petitioner carries two more cases other than the present one but fairly submits on the basis of paragraph-3 of the petition that the petitioner is on bail in both the cases.

8. Considering the facts and circumstances of the case and the period of custody, let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge, 2nd, Patna City, Patna in connection with Sessions Trial No. 342 of 2022 arising out of Fatuha P.S. Case No. 745 of 2019, subject to the following conditions :-

(1) Petitioner shall co-operate in the trial and shall be properly represented on each and every date fixed by the Court and shall remain physically present as directed by the Court and on his absence on two consecutive dates without sufficient reason, his bail bond shall be cancelled by the Court below.

(2) If the petitioner tampers with the evidence or the witness, in that case, the prosecution will be at liberty to move for cancellation of bail.

(3) And, further condition that the court below shall verify the criminal antecedent of the petitioner and in case at



any stage, it is found that the petitioner has concealed his criminal antecedents, the court below shall take step for cancellation of bail bond of the petitioner. However, the acceptance of bail bonds in terms of the above-mentioned order shall not be delayed for purpose of or in the name of verification.

(Rajesh Kumar Verma, J)

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