

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15792 of 2024

Arising Out of PS. Case No.-217 Year-2013 Thana- AKBARPUR District- Nawada

Pawan Singh Son of Lakhan Singh Resident of Village - Baghor, P.S.-
Govindpur (wrongly mentioned in F.I.R. as Roh P.S.), District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Vibhuti Ranjan Sonvadra, Advocate

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 10-05-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.191 of 2022 (arising out of Akbarpur P.S. Case no.217 of 2013) registered under sections 302, 307, 448, 324 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner is said to have fired two shots from his pistol hitting the informant in his stomach.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 16.1.2023 passed in Cr. Misc. no.28575 of 2022 giving liberty to the petitioner to renew his prayer for bail if there is no substantial progress in the trial in the next six months for no



fault of the petitioner. The petitioner is in custody since 30.12.2020 and only two witnesses having been examined on behalf of the prosecution. There is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by the conditions which may be laid by this Court for his release on bail.

5. Heard learned A.P.P. for the State.

6. A report was called for from the learned trial Court.

As per the report received contained in letter dated 20.3.2024 of the learned Additional District and Sessions Judge 2nd, Nawada, two out of the nine chargesheet witnesses have been examined, their date of examination being 3.8.2023 and 22.8.2023. No witness has been examined in the last eight months. The report further states that for production and examination of the remaining witnesses, summons was issued on 4.9.2022, bailable warrant on 22.12.2022, non-bailable warrant on 10.7.2023, a letter was written to the Superintendent of Police, Nawada on 17.10.2023, letter written to the District Magistrate, Nawada on 2.1.2024 and a letter to the DIG, Magadh Range, Gaya on 25.1.2024.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the



petitioner having remained in custody for more than 3 years 4 months and no witness turning up on behalf of the prosecution inspite of the above mentioned steps taken by the learned trial Court, the Court directs the petitioner to be enlarged on bail in connection with Sessions Trial no.191 of 2022 (arising out of Akbarpur P.S. Case no.217 of 2013) 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 III, Nawada on the following conditions:

- (i) the petitioner shall remain physically present in Court on each date of the trial and shall cooperate in the trial.
- (ii) In case of the petitioner’s absence on any single date for reasons not to the satisfaction of the learned trial Court, 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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