

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26391 of 2024

Arising Out of PS. Case No.-342 Year-2018 Thana- AMARPUR District- Banka

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Sitaram Mandal @ Sitaram Chouhan S/o Late Gujju Chouhan R/o vill -
Meghwa Bathni, P.S. - Amarpur, Distt - Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raghav Prasad

For the Opposite Party/s : Mr.Jagdhar Prasad
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CORAM: HONOURABLE MR. JUSTICE ANJANI KUMAR SHARAN
ORAL ORDER

3 10-05-2024 Heard learned counsel for the petitioner and

learned APP for the State.

2. The petitioner seeks bail in a case registered for
the offence punishable under Sections 307, 302 and 120(B)/34
of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and
others indiscriminately fired at the informant and his father
which resulted in injury and death of the father of the
informant.

4. Vide order dated 10.04.2024, a report was called
for from the learned Court below regarding the stage of trial and
the time likely to be taken in conclusion of the trial. In
compliance thereof, a report dated 19.04.2024 has been sent by
the learned A.D.J.-IV, Banka, which is kept on record. In his
report, the learned Judge has, *inter alia*, stated that charge has
been framed on 11.10.2022 and summon, B.W., N.B.W. and
D.O. letter against the witnesses has been issued. Neither any



witnesses has been produced by the prosecution nor service report has been received in the Court up to yet and total eight charge-sheeted witnesses has to be examined in this case by the prosecution.

5. Learned counsel for the petitioner submits that no such occurrence as alleged ever took place. The petitioner is quite innocent and has been falsely implicated in this case. The allegation levelled against the petitioner is not specific rather general and omnibus in nature. He submits that similarly situated co-accused have been granted bail by co-ordinate Bench of this Court, vide order annexed at Annexure-P/3 of this application. The petitioner has no criminal antecedent and has been languishing in custody since 12.01.2020.

6. Learned APP for the State opposed the bail petition.

7. Considering the facts aforesaid and the custody of the petitioner, the above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 25,000/- (Rupees Twenty Five Thousand) with two sureties of the like amount each to the satisfaction of the learned Court below where the case is pending/successor Court in connection with Amarpur P.S. Case No. 342 of 2018 subject to the following conditions :



(i) One of the bailors will be his own blood relative, preferably, father, mother, brother, sister and/or his wife.

(ii) The petitioner shall not indulge himself in any similar offence till conclusion of the trial.

(iii) The petitioner shall remain physically present in court on each and every date during trial and in the event of failure on two consecutive dates without sufficient reasons, his bail bonds shall be liable to be cancelled by the learned court concerned.

(iv) The petitioner shall co-operate with the investigation, if not already concluded and make himself available and when so required and in case of failure, the State shall be at liberty to move for cancellation of bail.

(v) The petitioner will mark his attendance in the local police station in first week of every month till conclusion of trial, failing which the prosecution will be at liberty to move cancellation of his bail bond.

(Anjani Kumar Sharan, J)

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