

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54344 of 2024

Arising Out of PS. Case No.-18 Year-2023 Thana- SIGAUDI District- Patna

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Bharat Paswan son of Umesh Paswan Village- Bela Tadipar Ps- Sigori Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Anil Chandra, Advocate
For the Opposite Party/s : Mr.Md. Aslam Ansari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 06-09-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sigori P.S. Case No. 18 of 2023 registered for the offences punishable under Section 307 of the Indian Penal Code read with Sections 25(9) and 27 of the Arms Act.

3. As per prosecution case, there is allegation that informant sustained gun shot injury in the right thigh from unknown person and his treatment was going on in AIIMS Hospital, Patna. The informant did not identify anyone due to darkness, and hence, F.I.R. was lodged against unknown.

4. Learned counsel for the petitioner submits that the prayer for bail of the present petitioner has already been rejected on merit by this Court vide Cr. Misc. No. 66000 of



2023 on 08.01.2024 with an observation that if the trial is not concluded preferably within six months from the date of receipt of this order, the petitioner may renew his prayer for bail. He further submits that from the perusal of F.I.R., it appears that none has seen that petitioner has fired against informant. He further submits that during the course of investigation, story has been developed by the informant and his family members that petitioner is behind the occurrence. Petitioner is in custody since 28.05.2023 which is one year and three months. Petitioner bears criminal antecedent of one case. Charge sheet has been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that not a single prosecution witness has been examined, only commitment has been made by the learned trial court and the same is running for appearance of the accused. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 28.05.2023 and the same is not likely to be concluded in near future.

5. The learned A.P.P. for the State opposes the prayer for bail of the petitioner by submitting that witnesses, namely, Chandramukhi Devi and Arti Devi, as mentioned in para 5 and 8 of the case diary respectively, have made their statements during the course of the investigation that petitioner



has fired from his pistol which hit the right thigh of the informant and the same is corroborated by the injury report of informant.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 50 dated 12.08.2024 has sent its report which reveals that trial is running for appearance of accused and not a single prosecution witness has been examined.

6. Considering the facts and circumstances of the case, period of custody, delay of trial is not attributable to the petitioner and the same is not likely to be concluded in near future, argument advanced on behalf of both sides and also taking into consideration the material available on record, 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 J.M. Ist Class, Danapur, Patna in connection with Sigori P.S. Case No. 18 of 2023, subject to following conditions:-

(i) One of the bailors shall be either father or mother or sister or brother or wife or the person who has sworn the affidavit in bail application.

(ii) Petitioner will co-operate in trial and will



remain present on all dates and absence for two consecutive dates without appropriate permission, would be a ground for cancellation of bail by the learned Trial court itself.

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

(Alok Kumar Pandey, J)

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