

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62194 of 2023**

Arising Out of PS. Case No.-553 Year-2022 Thana- JAHANABAD District- Jehanabad

Nandan Kumar @ Nandanwa @ Nandanwan @ Nandan, aged about 26 years,
Male, Son of Late Jitendra Sharma, Resident of Village- Niria Bagahi P.S.
Parasbigha District-Jehanabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivendra Prasad, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND
MALVIYA**

ORAL ORDER

5 12-02-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks bail in connection with
Jehanabad (Nagar) PS Case No. 553 of 2022 instituted for the
offences punishable under Sections 326, 307/34 of the Indian
Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the informant along
with Satish Kumar was returning to his house on a motorcycle
and as soon as he reached near the Crane School, he heard a
heavy sound and subsequently felt that he received some injury
and saw that blood had started oozing from his shoulder. It is
further alleged that Satish Kumar saw that two persons armed
with pistols were fleeing away on a motorcycle from there and



despite being chased, they run away.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence and has falsely been implicated in this case. From perusal of the case diary, FIR and chargesheet, it appears that investigation is already concluded and trial has already been commenced as stated by learned counsel for the petitioner. There is no substantial evidence in the case diary and the injury report is not on record. He has been made accused on the basis of suspicion. Learned counsel for the petitioner further submits that earlier first bail petition has already been dismissed as not pressed, stated in page 9 at Annexure-1 vide order dated 16.01.2023 of the application. Similarly situated co-accused namely Rahul Kumar has been granted bail by a co-ordinate Bench of this Court vide order dated 12.12.2022 in Cr. Misc. No. 50567 of 2022. Petitioner is in custody since 03.08.2022.

5. Learned APP opposes the prayer for bail.

6. Considering the facts and circumstances of the case and submissions of learned counsel for the parties, let the petitioner above named be released on bail *after framing of charge* on furnishing bail bonds of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount each to the



satisfaction of the learned Additional Sessions Judge III, Jehanabad in connection with Jehanabad (Town) PS Case No. 553 of 2022.

7. However, the trial Court is directed to conclude the proceeding of *framing of charge* according to law within a period of one month from the date of receipt of this order.

(Ramesh Chand Malviya, J)

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