

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62458 of 2023

Arising Out of PS. Case No.-441 Year-2022 Thana- BIHTA District- Patna

Dayanand Dubey @ Daya, Son of Sri Biswanath Dubey, Resident of Village-
Mahuar, P.S.-Bihtra, District-Patna.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

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

For the Opposite Party/s : Mr.Rajesh Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE P. B. BAJANTHRI
ORAL ORDER

7 12-01-2024 Earlier Criminal Miscellaneous No. 52358 of 2022

was rejected on 09.12.2022. The present regular bail is filed in connection with Bihta P.S. Case No. 441 of 2022 registered for the offences under Sections 307 read with 34 and 120(B) of the Indian Penal Code and Section 27 of the Arms Act. The alleged incident has taken place on 03.05.2022 during 7.00 P.M. to 7.30 P.M. It is alleged that Kallu and Daya (present petitioner) confronted informant and took out the pistol from their waist and opened fire upon him and bullet struck in the left side of his chest and informant fell down on the ground, all the three accused escaped from the spot. It is alleged that present petitioner and five others have hatched conspiracy for committing murder of the informant. The alleged role of the petitioner is evident from the case diary, which has been taken note of by the Additional Sessions Judge-I, Danapur while



deciding the Bail Application No. 819 of 2022 dated 28.07.2022.

2. The State have filed their counter affidavit on 02.11.2023 in which they have stated that charges were framed on 02.12.2022 for the offences under Sections 307 and 120(B) of the I.P.C. read with Section 27 and 35 of the Arms Act and summons were issued for the attendance of witnesses on 23.01.2023. Witnesses appeared to adduce their evidences on 18.10.2023, however, due to paucity of time none of the witnesses were stated to have been examined. Further, it is to be noticed that petitioner is in custody from 12.05.2022 and the petitioner is not involved in any other case.

3. Having regard to the fact that petitioner is in custody for more than one year and five months and trial may take its own time in respect of examination of relevant witnesses and consequential proceedings. Therefore, petitioner has made out a case for grant of regular bail. Accordingly, bail application is allowed. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 25,000/- (Rs. Twenty Five Thousand Only) with two sureties of the like amount each to the satisfaction of learned Additional District & Sessions Judge-V, Danapur, Patna in connection with Sessions Trial No. 1065 of 2022 arising out of Bihta P.S. Case No. 441 of 2022, subject to



following conditions:-

(i) The petitioner shall co-operate in the event of any re-investigation and in conclusion of the trial.

(ii) He shall remain present on each and every date of trial till conclusion of trial.

(iii) He shall not try to tamper with the evidence or intimidate the witness to delay the conclusion of trial.

(iv) In the event of default of two consecutive dates without any valid reasons, his bail bonds is liable to be cancelled.

(v) The petitioner shall make attendance in the Police Station, Bihta, District-Patna once in fifteen days i.e. on 2nd day and 18th day of every month till trial case is concluded.

(vi) The Court below shall verify the criminal antecedent of the petitioner and in the case, at any stage, it is found that petitioner had concealed his criminal antecedent, the Court below or investigating authority shall take immediate step for cancelling bail bond of the petitioner. However, acceptance of bail bonds, in terms of the aforementioned order shall not be delayed for this purpose or in the name of verification.

(P. B. Bajanthri, J)

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