

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.65730 of 2023

Arising Out of PS. Case No.-263 Year-2021 Thana- BARARI District- Katihar

NITISH KUMAR SON OF SOHIN MANDAL @ SOHIM MANDAL
RESIDNET OF VILLAGE - AJMERIPUR, PS- NATHNAGAR, DISTT-
BHAGALPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Diwakar Upadhyaya
For the Opposite Party/s : Mr.Ganesh Prasad Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

4 30-01-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has renewed his prayer for bail for grant of regular bail in a case registered for the offence punishable under Sections 324, 452, 307 and 506 of the Indian Penal Code and Section 27 of the Arms Act which was earlier rejected by another co-ordinate Bench of this Court on 02.01.2023 passed in Cr. Misc. No. 22398 of 2022.

3. The allegation against the petitioner is that he fired upon the informant due to which he sustained gunshot injury on his ear.

4. Learned counsel appearing on behalf of the petitioner has submitted that petitioner is innocent and has



committed no offence. He has falsely been implicated in this case on suspicion due to previous enmity. It is clear from the F.I.R. that fire was shot when the informant was sleeping, therefore informant has not seen the petitioner firing upon him. There is no consistent evidence against the petitioner that he fired upon the informant. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent. Petitioner is languishing in judicial custody since 24.12.2021.

5. In compliance of order dated 20.12.2023, a report of learned Additional Sessions Judge-IV, Katihar dated 03.01.2024 has been received which is kept at flag 'B' in which it is stated that this case is fixed for prosecution evidence.

6. Per contra, it is submitted by learned counsel for the petitioner that petitioner is languishing in judicial custody for more than two years and there is no hope to conclude the trial in near future.

7. The application for bail is opposed by learned APP for the State.

8. Having heard learned counsel for the parties and considering the facts and circumstances of the case as well as period of custody, this Court is inclined to enlarge the petitioner on bail. The above named petitioner is directed to be enlarged on bail on furnishing bail bond of Rs. 10,000/- (Rs. ten thousand



only) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-II, Katihar or Successor Court in connection with Barari P.S. Case No. 263 of 2021 on following conditions:-

(i) The petitioner shall co-operate in the trial and shall be present on each and every fixed date and on his absence on two consecutive dates without sufficient reasons, his bail bond shall be cancelled by the Court below.

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

(iii) In case, the petitioner repeats offence of similar nature after enlargement on bail, his bail-bond will be cancelled by the Court below.

(Sunil Kumar Panwar, J)

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