

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.73250 of 2024

Arising Out of PS. Case No.-258 Year-2021 Thana- GOPALPUR District- Patna

Subdoh Kumar @ Pandua Son of Sri Umesh Rai Village- Bairiya P.s.
Gopalpur Dist- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Hansraj

For the Opposite Party/s : Mr.Sanjay Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 22-11-2024 Heard learned counsel for the petitioner, learned

A.P.P. for the State and learned counsel for the informant.

2. The petitioner seeks bail in connection with Special Case No. 4621 of 2021 arising out of Gopalpur P.S. Case No. 258 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 307, 504, 506 of the I.P.C. and under Sections 25(1-b)a, 26 and 27 of the Arms Act and under Section 37(b)(c) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is accusation against the petitioner to shoot the informant's son as a result of which he sustained injury. There is alleged recovery of one country made pistol from the petitioner and he is found in intoxicated condition.

4. Learned counsel for the petitioner submits that



bail prayer of the petitioner has already been rejected four times. He further submits that while rejecting the prayer for bail of the petitioner on the last occasion, this Court had observed that if the trial is not concluded within two months from the date of receipt of this order, the petitioner may renew his prayer for bail. He further submits that there is no substantial progress in trial though charge has been framed on 25.07.2023 which indicates that the pace of trial is slow and the trial is not likely to be concluded in near future. Petitioner is languishing in custody since 28.07.2021 and bears no criminal antecedent. He further submits that period of custody undergone by the petitioner is near about three years and four months. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. Learned counsel for the petitioner submits that petitioner has become a victim of circumstance as the informant of the present case has already committed the murder of petitioner's wife. He further submits that the petitioner has three children and no one is there to look after them. He further submits that even trial is going to be concluded, petitioner is ready to participate in the court proceedings without any break. There is no flight risk. Learned counsel for the petitioner further submits that the delay of trial is not attributable to the petitioner as he is in custody since 28.07.2021 which is more than three years and three months and,



hence, he may be granted bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner and the same is corroborated by the injury report. He further submits that the bail of present petitioner has already been rejected four times and there is no any fresh ground for granting bail to the present petitioner.

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. 290 dated 11.11.2024 has sent its report which reveals that eight prosecution witnesses have already been examined and the case is still pending for examination of prosecution witness.

7. Considering the facts and circumstances of the case, period of custody undergone by the petitioner is more than three years and three months, delay of trial is not attributable to the petitioner and trial is not likely to be concluded in near future, argument advanced on behalf of the 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 Special Judge, Excise Patna in connection with Special Case No. 4621



of 2021 arising out of Gopalpur P.S. Case No. 258 of 2021,
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 each and every date without fail. If he fails to appear on a single date without prior permission of the learned trial court, his bail bond shall be canceled by the concerned court.

(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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