

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78243 of 2023

Arising Out of PS. Case No.-220 Year-2020 Thana- BALIYA District- Begusarai

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DHARAMVEER KUWAR SON OF MR. JANARDAN KUWAR R/O
VILLAGE- GOKHALE NAGAR VISHNUPUR, P.S.- BALIYA, DIST.-
BEGUSARAI

... .. Petitioner/s

Versus

THE STATE OF BIHAR PATNA

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Vaishnavi Singh, Adv.
For the Opposite Party/s	:	Mr. Chandara Mohan Jha, Adv.
For the State	;	Mr.Umanath Mishra, APP

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**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

5 09-02-2024 Heard learned counsel for the petitioner and learned
counsel for the informant as well as learned A.P.P for the State.

2. The petitioner has preferred this application for grant of regular bail in connection with ST. No. 55 of 2023 arising out of Balia P.S. Case No. 220 of 2020 dated 07.08.2020 registered for the offences punishable u/ss 341, 302, 307, 452, 323, 504 and 201 read with section 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner and the co-accused persons entered the house of the informant and started abusing and assaulting. On being objected by the informant's father, all the accused persons shot the informant's father dead. The co-accused Jivesh Kunwar had also opened fire



near his chest. Previously, the co-accused Jivesh Kunwar had also fired on the informant for which Ballia P. S. Case No. 339 of 2017 was lodged against the petitioner and others on account of molestation of the informant's niece. It is further stated that the co-accused also killed their servant Prabhu Narayan to implicate the informant and his family members.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in this case. There is general and omnibus allegation against the petitioner. Learned counsel has further submitted that the earlier vide order dated 23.08.2022, learned trial Court is directed to expedite the trial and conclude the same preferably within nine months and in the light of order dated 01.12.2023 passed in Cr. Misc. No. 78243 of 2023, a report has been sent vide letter No. 197 of 2023 in which it has been mentioned that out of six charge-sheeted witnesses only two witnesses have been examined till date. It is also mentioned in the said letter that the trial is likely to be concluded in about 18-24 months. The petitioner has four more criminal antecedents as stated in para 3 of the bail petition. The petitioner is in custody since 07.03.2020.

5. Learned counsel for the Informant as well as learned A.P.P. for the State has vehemently opposed the bail



petition of the petitioner and submitted that earlier vide order dated 23.08.2022 the regular bail of the petitioner has already been rejected by this Court.

6. Considering the aforesaid facts and circumstances of the case as well as the period of custody, the petitioner above-named, is directed to be enlarged on bail on furnishing bail-bond of Rs.20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Begusarai in connection with ST. No. 55 of 2023 arising out of Balia P.S. Case No. 220 of 2020, with the condition/s:-

(i). The petitioner is directed to remain physically present before the learned Court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bond of the petitioner is liable to cancelled.

7. Learned trial court is further directed to conclude the trial within a period of six months from today.

8. The application stands allowed.

(Chandra Prakash Singh, J)

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