

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.75916 of 2023**

Arising Out of PS. Case No.-18 Year-2019 Thana- KALYANPUR District- Samastipur

Prabhakar Gaurav @ Munna Thakur @ Munna, Son of Late Nand Kumar Thakur @ Dhuran Thakur, R/o village - Janardanpur, P.S. - Kalyanpur, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Ashok Kumar Jha, Advocate

For the Opposite Party/s : Mr.Madhura Nand Jha, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA**  
**ORAL ORDER**

10    02-02-2024                      Heard learned counsel for the petitioner and learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 381 of 2022, arising out of Kalyanpur P.S. Case No. 18 of 2019, registered for the alleged offences under Sections 302, 120B of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegedly, the petitioner along with other co-accused persons fired upon the husband of the informant in the background of some land dispute and the husband of the informant succumbed to his injuries in course of treatment.

4. Learned counsel for the petitioner submits that this is the third attempt of the petitioner to seek bail from this



Court as his prayer for bail was earlier rejected twice vide order dated 26.04.2021 passed in Cr. Misc. No. 756 of 2021 by a Coordinate Bench of this Court and, thereafter, by this Court vide dated 20.09.2022 passed in Cr. Misc. No. 63340 of 2021. While rejecting the prayer for bail on 20.09.2022, the learned trial court was directed to expedite the trial and conclude the same within a period of nine months. But despite specific direction, the trial has not been concluded till date as only six prosecution witnesses have been examined in this case out of eleven witnesses. The petitioner is in custody since 28.07.2020. The learned counsel further submits that the informant has been examined as P.W.4, but she did not identify the petitioner as one of the assailants. Other witnesses have also not supported the prosecution case. However, one of the witnesses, namely, Shatrughan Rai has named this petitioner, but his evidence is suspect as other witnesses have stated that he was not present at the place of occurrence. The learned counsel further submits that further an application has been filed under Section 311 Cr.P.C. for recall of two witnesses. So, trial is not likely to be concluded in near future. The learned counsel further submits that in the light of the deposition of informant and other witnesses, the case will not



stand against the petitioner.

5. Learned APP vehemently opposes the prayer for bail submitting that no new ground has been brought on record to consider the prayer for bail.

6. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the deposition of informant for not naming the petitioner as an assailant and further considering the likelihood of delay in trial and also considering the period of the custody of the petitioner, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-X, Samastipur/court concerned, in connection with Sessions Trial No. 381 of 2022, arising out of Kalyanpur P.S. Case No. 18 of 2019, subject to the conditions mentioned in Section 437 (3) of the Cr.P.C. and the following conditions:

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive



dates or in violation of the terms of the bail, the  
bail bond of the petitioner will be liable to be  
cancelled by the court concerned.

(Arun Kumar Jha, J)

V.K.Pandey/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|

