

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82412 of 2023

Arising Out of PS. Case No.-976 Year-2022 Thana- ARA NAWADA District- Bhojpur

Balbhagwan S/O Yogendra Ray @ Yogendra Kuma Ray R/O Village-
Nirbhay Dihara, P.S- Sikrahatta, Distt.- Bhojpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s :	Mr. Rang Nath Choubey, Adv.
For the Opposite Party/s :	Mr. Rana Randhir Singh, APP
For the Informant :	Mr. Binod Kumar Singh, Adv.
	Ms. Alka Singh, Adv.
	Ms. Pratima Kumari, Adv.

CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

3 05-03-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks regular bail in connection with
Nawada P.S. Case No. 976 of 2022, lodged on 08.11.2022 under
Sections 302, 120(B), 34 of the Indian Penal Code read with
section 27 of the Arms Act.

3. As per the prosecution case, FIR has been lodged
against six named accused persons including the present
petitioner and some 5-6 unknown persons. The allegation
against the present petitioner is that upon the order of two
accused persons, the petitioner fired by which the informant's
father was injured which resulted into his death.



4. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence. Counsel also submits that from the contents of the FIR itself it has been admitted by the informant that land dispute is going on between him and the petitioner's family. Counsel further submits that both the parties are resident of the same locality and due to land dispute, there is a strange relationship between them. Counsel submits that it has also been admitted by the informant that door was closed and firing has taken place outside the window, then it is not possible that person inside the house can see the occurrence.

5. Learned counsel for the petitioner submits that the criminal antecedent of the petitioner is clean and he is in custody since 05.12.2022. Counsel also submits that the charge-sheet has already been filed in this case and he is ready to fulfil all the conditions whatsoever shall be imposed upon him.

6. Learned APP for the State and learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submits that allegation against the petitioner is that he has fired upon the deceased. Counsel also submits that the evidence shall be actively done by the informant within six months from the date of framing of charge.



7. In the present facts and circumstances of this case and the submissions made above, **let the petitioner above named be granted bail, but only six months after framing of charge, if not framed** on furnishing bail bonds of Rs.30,000/- (Rupees Thirty thousand) with two sureties of the like amount each to the satisfaction of learned Chief Judicial Magistrate, Ara, Bhojpur in connection with Nawada P.S. Case No. 976 of 2022, subject to the conditions as laid down U/s 437(3) Cr.P.C.

8. The Trial Court is directed to expedite the trial as early as possible.

(Dr. Anshuman, J.)

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