

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4377 of 2025

Arising Out of PS. Case No.-108 Year-2023 Thana- KANKARBAG District- Patna

Bittu Yadav @ Abhi Kumar Son of Ramashish Ray Resident of New
Karbighiya, Kabristan Ke Pas, P.S. - Jakkanpur, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Adv
	:	Mr. Adarsh Singh, Adv
	:	Mr. Vikash Jha, Adv
For the Opposite Party/s	:	Mr. Nirmal Kumar Sinha, APP

CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY
ORAL ORDER

4 15-05-2025 Heard learned Senior Counsel for the petitioner and
learned A.P.P for the State.

2. Earlier the application for regular bail of the petitioner was rejected twice by a co-ordinate Bench of this Court vide orders dated 01.12.2023 and dated 25.06.2024 passed in Cr. Misc. No. 69275 of 2023 and Cr. Misc. No. 37452 of 2024 respectively.

3. The petitioner has preferred this application for grant of regular bail in connection with Kankarbag P.S. Case No. 108 of 2023 registered for the offences punishable u/s 307 read with Section 34 of the I.P.C and Section 27 of the Arms Act. Later on, Section 302 of the I.P.C. was added.

4. As per the prosecution case, two unknown



miscreants fired due to which informant's brother and one Pradu Paswan sustained injury over head and left thigh respectively. It is further alleged that informant's brother succumbed to fire arm injuries, during the course of treatment

5. Learned Senior Counsel for the petitioner has submitted that the petitioner is not named in the F.I.R. and his name has transpired during the course of the investigation. It is further submitted that there is general and omnibus allegation against the petitioner and till date no T.I.P. has been conducted for the identification of the accused persons. Learned Senior Counsel has pointed out towards the deposition of the two prosecution witnesses who have been examined till date and among them one is the informant himself, who has not supported the case of the prosecution and has not even identified the petitioner. Learned Senior Counsel has further drawn the attention of this Court towards the previous order dated 25.06.2025 passed in Cr. Misc. No. 37452 of 2024, whereby the co-ordinate Bench of this Court had directed the learned trial Court to conclude the trial within 6 months.

6. Despite passage of almost a year only two witnesses till date have been examined and as such the learned Senior Counsel has sated that there is no chance of the trial to



conclude in the near future and looking at the evidence which has come up till now even the chances of the petitioner being convicted in the present case seems to be distant. It is lastly submitted that the petitioner has two criminal antecedents and is in custody since 10.03.2023.

7. Learned APP for the State has vehemently opposed the prayer for bail and has stated that the petitioner happens to be one of the assailants who has fired upon the brother of the informant, hence, he does not deserve the liberty of bail.

8. Considering the aforesaid submissions of the parties and taking into account the fact that the petitioner is in custody since 10.03.2023 and till date only two witnesses have been examined and both the witnesses have been declared hostile as they were not supporting the case of the prosecution, let the petitioner above-named, be enlarged on bail on furnishing bail-bonds of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Court concerned, Patna, in connection with Kankarbag P.S. Case No. 108 of 2023, subject to the following conditions:-

(i) One of the bailors will be close relative of the petitioner.

(ii) The petitioner will remain present on each and



every date fixed by the Court below, if so required by the learned Trial Court.

(iii) In case of absence on two consecutive dates or in violation of the terms of the bail, the bail bond of the petitioner will be liable to be canceled by the Court concerned.

9. The application stands allowed.

(Sourendra Pandey, J)

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