

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17318 of 2025

Arising Out of PS. Case No.-98 Year-2019 Thana- BARARI District- Katihar

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Suman Kuwar Son of Fago Kuwar Village- Bakharpur (Pirpaiti), P.S.-
Pirpaiti, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Harish Kumar

For the Opposite Party/s : Mr. Murli Dhar

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

6 26-09-2025 Heard the parties.

2. The petitioner seeks bail in connection with Barari
(Semapur) P.S. Case No. 98 of 2019 registered for the offence
under Sections 302, 120(B), 34 of the I.P.C. and 27 of Arms
Act.

3. The petitioner is named in the F.I.R. and is in
custody since 16.06.2023.

4. As per FIR, allegation against the petitioner is to
open fire upon deceased brother of informant alongwith other
co-accused persons leading to his death. Firing also alleged to
be made upon informant without causing any injury.

5. Learned counsel appearing on behalf of the
petitioner submitted that though informant claimed to be an eye
witness of the occurrence but upon perusal of FIR it appears



that at the time of real occurrence of firing, informant hide himself in a nearby maze field leaving his brother on spot. It is submitted that this fact further gets strength as out of indiscriminate firing done by three accused persons only one bullet hit to his deceased brother. It is submitted that even if for a moment informant be believed as an eye witness of the occurrence there is no specific allegation of causing fatal fire arm injury against this petitioner leading death of his brother. It is submitted that investigation of this case is completed long back and therefore there is no chance of tampering with the evidence. It is also pointed out that despite of remaining in custody for about 2 and half year, not even a single prosecution witness was examined in this case and certainly the petitioner cannot be kept behind bar for indefinite period in want of trial by compromising his fundamental rights as available under Article 21 of the Constitution of India qua speedy trial. In support of his submission learned counsel relied upon the legal report of Hon'ble Supreme Court as available through ***Hussainara Khatton and Ors. vs. Home Secretary, State of Bihar*** as reported in ***(1980) 1 SCC 81: 1980 SCC (Cri) 23.***

6. Learned APP while opposing the prayer of bail



submitted that petitioner actively involved in occurrence of firing as alleged by informant who claimed to be an eye witness of the occurrence but he could not disputed custody period of petitioner and also slow progress of trial is submitted aforesaid.

7. In view of aforesaid factual submission and by taking note of fact as petitioner remains in custody since 16.06.2023, where not even a single prosecution witness appears to be examined in this case *prima-facie* suggesting that the trial of this case is not likely to conclude in near future, accordingly petitioner above named, is directed to be released on bail in connection with Barari (Semapur) P.S. Case No. 98 of 2019 on furnishing bail bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of the like amount each to the satisfaction of learned Addl. Sessions Judge IXth Katihar /concerned court, subject to the conditions as mentioned under Section 437(3) of the Cr.P.C/ Section 480(3) of BNSS.

(Chandra Shekhar Jha, J)

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