

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38962 of 2025

Arising Out of PS. Case No.-321 Year-2020 Thana- DARAUNDA District- Siwan

Rishabh Jaiswal @ Rishabh Raj, Son of Narayan Jaiswal @ Sant Jee, R/O
Village- Sihauta, P.S.- Maharajganj, District- Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Advocate

For the Opposite Party/s : Mr. Uma Shankar Prasad Singh, APP

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 25-07-2025 Heard Mr. Raghav Prasad, learned Advocate for the
petitioner and learned APP for the State.

2. The petitioner seeks regular bail, who is in custody
in connection with Daraunda P.S. Case No. 321 of 2020 (S.Tr.
No. 43 of 2022) registered for the offences punishable under
Sections 302/120(B)/34 of the Indian Penal Code and Section
27 of the Arms Act.

3. This is the third attempt made on behalf of the
petitioner, as earlier twice the prayer for bail of the petitioner
stood negated by this Court vide order dated 28.08.2023 in Cr.
Misc. No.13910 of 2023 and order dated 25.09.2024 in Cr.
Misc. No. 54340 of 2024 taking into consideration the specific
accusation of causing firearm injury, which led to death of the
informant's son.

4. Learned Advocate for the petitioner fairly



submitted that twice the application for bail of the petitioner has been rejected and, as such, he is not making submission on the merit of the case, however, this fact cannot be ignored that the informant is not an eye witness and the entire case is based on hearsay evidence. The prosecution story also falls to the ground for the simple reason that the post-mortem report does not corroborate the allegation that three persons had made indiscriminate firing, as the report suggest only one bullet injury. Now the petitioner has been incarcerated since 29.10.2021, for over a period of three years and nine months, and till date only three witnesses have been examined.

5. On the other hand, learned APP for the State vehemently opposes the bail application and submits that since the prayer for bail of the petitioner has already been turned down by this Court twice and there is no cogent reason to review the aforesaid orders. All the more, there is specific allegation of causing firearm injury.

6. Having considered the submissions advanced by the learned Advocate for respective parties, taking note of the observations made by this Court on the last occasion that the petitioner shall be at liberty to renew his prayer for bail, if the trial is not concluded within six months; and the status report which



clearly suggests that till date only three witnesses have been examined and there is no likelihood of conclusion of trial in near future; that apart the petitioner undertakes that he will fully cooperate in the trial, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Rupees twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-IX, Siwan in connection with Daraunda P.S. Case No. 321 of 2020 (S.Tr. No. 43 of 2022), subject to the condition that one of the bailors will be the close relatives of the petitioner with further conditions which are as follows:-

(i) The petitioner will cooperate in conclusion of the trial.

(ii) He will remain present on each and every date of trial till disposal of the case.

(iii) He will not try to tamper with the evidence or intimidate the witnesses to delay the disposal of trial.

(iv) In the event of default of two consecutive dates without any cogent reason, his bail bonds will liable to be cancelled.

(Harish Kumar, J)

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