

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60018 of 2024

Arising Out of PS. Case No.-91 Year-2009 Thana- BELAGANJ District- Gaya

Parvej Ahmad @ Md. Parwej, aged about 56 years (Male), S/o Late Nasir,
R/o Village -Shilpur, PS- Lahari Biharsharif, District- Nalanda at Present R/O
Panchayatiya Akhara, PS- Kotwali, District- Gaya

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr. Ajay Kumar Sinha, Advocate
For the Opposite Party : Mrs. Nirmala Kumari, A.P.P.

CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH SINGH

ORAL ORDER

6 02-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 617 of 2023, arising out of Belaganj P.S. Case No. 91 of 2009 dated 18.06.2009 registered for the offences punishable under Section 302 read with Section 34 of the I.P.C.

3. As per the prosecution case, on 18.06.2009, the petitioner and the other co-accused person are alleged to have assaulted the grand-son of the informant, namely, Abhay Kumar, due to which, he died during the course of treatment.

4. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. It is further submitted that no incriminating article



has been recovered from the possession of the petitioner. It is further submitted that due to some dispute, scuffle took place between the parties at one hand and the accused persons on the other hand, resulting into death of the deceased. It is a case of occurrence on provocation. It is further submitted that the petitioner is a sole bread earner of his family members. He has no concern with the alleged offence. The charge sheet has been submitted for the offence under Section 304 read with Section 34 of the I.P.C. against the petitioner, annexed as Annexure-3 to the present bail petition but the learned court below differed with the same, took cognizance under Section 302 of the I.P.C. The petitioner has clean antecedent as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case for more than two years i.e., 23.01.2023.

5. Learned A.P.P. for the State has vehemently opposed the prayer for bail petition of the petitioner and has further submitted that the petitioner and the other co-accused person have assaulted the grand-son of the informant, namely, Abhay Kumar, due to which, he died during the course of treatment.

6. This is second attempt for grant of regular bail on behalf of the petitioner. Earlier the prayer for regular bail application of the petitioner was rejected by the another Co-



ordinate Bench of this Court vide Cr. Misc. No. 53945 of 2023 under order dated 19.12.2023, annexed as Annexure-1 to the present bail petition with a direction to the learned trial court to expedite the trial and conclude the same at the earliest.

7. Vide order dated 04.09.2024, a report regarding the stage of the trial as well as deposition of the witnesses, if any, was called for. In compliance of the aforesaid order dated 04.09.2024, a report with respect to the present stage of the case has been received from the court of learned Additional District and Sessions Judge-XII, Gaya vide its Letter No. 201/2024 dated 10.09.2024 in which it has been reported that the case is running for examination of prosecution witnesses and out of total ten (10) charge sheeted prosecution witnesses, only one prosecution witness, namely, Arvind Kumar Singh, has been examined up till now and for examination of prosecution witnesses, summon and bailable warrant has been issued and the next date is fixed for prosecution evidence.

8. From perusal of the aforesaid report with respect to the present stage of the case, it appears that there is delay in concluding the trial on behalf of the prosecution witnesses.

9. Considering the aforesaid facts and circumstances of the case as well the period of custody, let the above named



petitioner, be enlarged on bail on furnishing bail bond of Rs. 20,000/- (Rupees Twenty Thousand) with two sureties of the like amount each to the satisfaction of the learned Additional Sessions Judge-XII, Gaya in connection with Sessions Trial No. 617 of 2023, arising out of Belaganj P.S. Case No. 91 of 2009 with further condition:-

I. The petitioner is directed to remain physically present before the learned court below on each and every date, failing which on two consecutive dates without reasonable cause, the bail bonds of the petitioner are liable to be cancelled.

10. The application stands allowed.

(Chandra Prakash Singh, J)

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