

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76584 of 2024

Arising Out of PS. Case No.-262 Year-2021 Thana- KANTI District- Muzaffarpur

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Brajesh Kumar, S/o Arjun Pandey, R/o vill - Kishun Nagar, P.S. - Kanti, Distt.
- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Yugal Kishore, Adv.

For the Opposite Party/s : Mr. Harendra Prasad, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 28-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner seeks regular bail, who is in custody in connection with Kanti P.S. Case No. 262 of 2021 registered for the offences punishable under Sections 341, 323, 307, 504, 506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. This is the second attempt made on behalf of the petitioner, as earlier the prayer for bail of the petitioner was negated by this Court vide order dated 10.05.2024 passed in Cr. Misc. No. 77157 of 2023, taking into consideration the specific nature of accusation of firing, causing injuries to the husband of the informant. While rejecting the prayer for bail of the petitioner, it was expected that the learned Trial Court shall expedite the matter and take all efforts to conclude



the same as earliest.

4. Learned counsel for the petitioner contended that despite the fact that the petitioner has been incarcerated since 28.09.2022, till date not even a single prosecution witness has been examined, though the charges have already been framed much earlier. It is further contended that since the prayer for bail of the petitioner has already been rejected on merit(s), he is not making any submission on the merit(s) of the case. But, this fact cannot be brushed aside that the genesis of the occurrence was a land dispute and there is grave contradiction in the prosecution case and the injury report. Moreover, the petitioner is a man of fair antecedent and since both the parties are *gotiya*, they have amicably settled the land dispute. The petitioner undertakes that he will fully cooperate in the trial and will not indulge in intimidation of the witnesses or such type of occurrence

5. On the other hand, learned counsel for the State vehemently opposed the bail application and submitted that the petitioner has caused firearm injury to the husband of the informant, which is said to be grievous in nature and also corroborated with the injury report.

6. Regard being had to the submissions made on behalf of the parties and considering the period of custody and



the undertaking of the petitioner that he will fully cooperate in the trial and will not indulge in intimidation of the witnesses or such type of occurrence, apart from his fair antecedent, let the petitioner, named above, be released on bail on furnishing bail bonds of Rs.20,000/- (Twenty thousand) with two sureties of the like amount each to the satisfaction of learned Additional Sessions Judge-XVI, Muzaffarpur in connection with Kanti P.S. Case No. 262 of 2021, 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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