

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.34762 of 2016

Arising Out of PS.Case No. -209 Year- 2013 Thana -AGAMKUAN District- PATNA

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Pankaj Kumar @ Pankaj Singh S/o Premchand Singh resident of Mohalla
Daldali Road Kadamkuan P.S Kadamkuan District Patna

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Uday Kumar

For the Opposite Party/s : Mr. Sri Rajesh Kumar

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CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR
ORAL ORDER

2 22-08-2016 Heard Sri Uday Kumar, learned counsel for the

petitioner , Sri Rajesh Kumar, learned A.P.P. as well as Sri Ranjit

Kumar, learned counsel who has voluntarily appeared on behalf of

the informant.

The sole petitioner, has prayed for grant of bail in

Sessions Trial No. 311 of 2014 arising out of Agam Kuan P.S.

Case No. 209 of 2013 registered for the offence under section

302, 120(B), 34 of the Indian Penal Code and section 27 of the

Arms Act.

It was submitted by learned counsel for the petitioner

that F.I.R. was lodged against two named accused persons

however during investigation only on the plea that petitioner was

having criminal antecedent was made accused in this case. He



submits that save and except confessional statement of the co-accused there is no material to connect the petitioner. Learned counsel for the petitioner has placed reliance on an order dated 8.4.2016 passed by a co-ordinate bench (Hon'ble Mr. Justice Dinesh Kumar Singh) in Cr. Misc. No. 7930 of 2016. He submits that even though trial had already commenced this court had extended the privilege of bail to co -accused Sudhir Kumar Yadav @ Sudhir Kumar. He submits that on parity petitioner may also be enlarged on bail. Learned counsel for the petitioner has argued that petitioner is in custody since more than three years whereas learned Additional Public Prosecutor and learned counsel for the informant by way of referring to paragraph no. 3 of the petition submits that petitioner is a habitual offender and he is accused in altogether about nine cases relating to serious offences. It was further submitted that in this case trial is going on and about seventeen witnesses have already been examined however on going through the impugned order i.e. the order dated 31.5.2016 it appears that till the date of order passed by the court below nine witnesses which include the informant and doctor were already examined.

The court is of the opinion that once trial is going on it would not be appropriate for this court to examine the evidence

or material collected during investigation. The court expects that the trial court may proceed with the case so that trial may come to its logical end without unnecessary delay. So far grant of bail to the co- accused Sudhir Kumar Yadav is concerned , this Court is of the consistent opinion that in case where trial is going on this Court should refrain from interfering with the trial.

The petition stands dismissed.

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(Rakesh Kumar, J)

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