

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**Criminal Miscellaneous No.2893 of 2019**

Arising Out of PS. Case No.-557 Year-2017 Thana- KAHALGAON District- Bhagalpur

Brajesh Patel, S/o Late Kashi Patel, Resident of Vill.- Rasalpur, P.S.  
Kahalgaon, (Rasulpur), Distt. Bhagalpur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Sri Sanjay Kumar Singh, Advocate |
|                          |   | Sri Hemant Kumar, Advocate       |
| For the Opposite Party/s | : | Mr. A. M. P. Mehta (A.P.P. )     |

**CORAM: HONOURABLE MR. JUSTICE RAKESH KUMAR**  
**ORAL ORDER**

3      20-02-2019                      Heard Sri Sanjay Kumar Singh, learned counsel,  
assisted by Sri Hemant Kumar, learned counsel for the petitioner  
and Sri A.M.P. Mehta , learned Additional Public Prosecutor.

This is second attempt for grant of bail on behalf of  
the sole petitioner in connection with S.T. Case No. 130 of 2018  
(arising out of Kahalgaon (Rasalpur) P.S. Case No. 557 of  
2017) registered for the offence under Sections 147, 148, 149,  
447, 342, 302 of the I.P.C. and Section 27 of the Arms Act,  
1959.

Learned counsel for petitioner submits that except  
petitioner all other accused persons have already been granted  
bail and as such on ground of parity a prayer is being made  
for extending the privilege of bail to petitioner also.

In this case by order dated 23.01.2019 report was  
called for from the court below which has been received and



kept at flag - 'R' vide letter no. 13 dated 1<sup>st</sup> February, 2019 sent under the signature of 7<sup>th</sup> Additional District & Sessions Judge, Bhagalpur namely Sri Binay Kumar Mishra. The report makes it clear that two witnesses have already been examined. Evidence of third witness is going on. Learned counsel for petitioner on being asked informed that there are four charge-sheeted witnesses. Meaning thereby, that out of four charge-sheeted witnesses two witnesses have already been examined and discharged and evidence of third witness, who is informant is going on. Since the trial is at fag end, there is no need to review my earlier order.

The prayer for bail stands dismissed.

Before parting with the order, it is necessary to indicate that learned trial judge as and when required to send report must apply his mind and send detailed report not, send cryptic report. The report kept at flag - 'R' is simply cryptic in nature. In future he is advised to be careful in sending report to the High Court.

praful/-

**(Rakesh Kumar, J)**

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