

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.7902 of 2019**

Arising Out of PS. Case No.-771 Year-2017 Thana- HILSA District- Nalanda

GUDDU @ RAJESH KUMAR Son of Surendra Singh Resident of Village-  
Makhdumpur, P.S.-Karai Parsurai, District -Nalanda

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Abhinay Raj

For the Opposite Party/s : Mr.Nand Kishore Prasad

**CORAM: HONOURABLE JUSTICE SMT. ANJANA MISHRA**  
**ORAL ORDER**

3      27-03-2019                      Heard learned Senior Counsel for the petitioner and  
learned counsel for the State.

The present application seeking grant of regular bail is the second attempt before this Court. The prayer for bail was earlier rejected vide order dated 05.07.2018 passed in Cr. Misc. No. 33142 of 2018.

It is submitted that this Court had earlier considered the entire gamut of circumstances, and also the materials which had surfaced in the case diary and thereafter, the prayer for bail of the petitioner had been rejected.

Learned Senior counsel appearing on behalf of the petitioner further submits that the prayer for bail has been filed again in view of the fact that one person, who is alleged to have made confessional statement before the police that he was one



of the assailants, has since been extended the privilege of regular bail in Cr. Misc. No. 50125 of 2018 vide order dated 14.08.2018. He further submits that another co-accused namely, Surendra Singh has also been granted bail by this Court in Cr. Misc. No. 15110 of 2018 vide order dated 10.04.2018. Learned counsel has further drawn the attention of this Court to the circumstances that the father of the present petitioner, who is said to have encouraged and ordered the petitioner to fire at the deceased, was not sent up for trial as because during course of investigation, his presence has been doubted at the place of occurrence but subsequently, the Court has taken cognizance against him as well. He further submits that in view of the fact that the presence of the father of the petitioner had itself been doubted and the story as made out in the first information report, stands placed under a cloud, the petitioner may also be extended the privilege of regular bail.

Learned counsel for the State after considering the statement made in the petition and also after pointing towards the order of rejection passed earlier, submits that the petitioner being the main accused and being alleged to have fired at the deceased at the first instance, is not entitled to be granted the privilege of bail as he is the main assailant and must face the



trial. He has also referred to the portion of the first information report where it has been indicated that the informant also sustained injuries.

Considering the entire facts and circumstances of the case and in view of the fact that there is specific allegation of firing against the present petitioner, I am not inclined to grant regular bail to the petitioner. It is, accordingly, rejected once again.

However, considering the fact that the trial of the case is yet to commence and the charges has not yet been framed, let the trial Court proceed expeditiously so as to ensure that the trial of the aforementioned case is concluded within a period of one year from the date of receipt/production of a copy of this order without granting unnecessary adjournments to any of the parties.

**(Anjana Mishra, J)**

Jagdish/-

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