

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.12245 of 2019

Arising Out of PS. Case No.-40 Year-2012 Thana- NASRIGANJ District- Rohtas

=====

BABU SINGH @ VIKASH SINGH @ VIKASH KUMAR @ VIKASH, aged about 28 years, Male, Son of late Buchun Prasad Singh @ Buchul Singh @ Bachan Singh, resident of Village-Bardiha, P.S.-Nasriganj, District-Rohtas at Sasaram

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Tiwari, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

=====

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

5 28-08-2019 Heard learned counsels for the petitioner and the State.

The petitioner has renewed the prayer for bail in connection with a case registered for the offences punishable under Sections 302/34 of the I.P.C and Section 27 of the Arms Act.

The accusation against the petitioner is of causing gunshot injury with pistol to Bhaiya Ram, as a result of which, he succumbed to the injuries.

The prayer for bail of the petitioner was initially rejected vide order dated 30.07.2013 passed in Criminal Miscellaneous No. 23861 of 2013 considering the nature of accusation. However, the petitioner was granted liberty to renew



his prayer for bail if the trial is not concluded within a period of one year. Thereafter, the petitioner was granted provisional bail for a period of eight weeks, vide order dated 16.07.2014 passed in Criminal Miscellaneous No. 6775 of 2014 on the ground of death of his mother, but he misused the privilege of bail by not surrendering for three years. Thereafter, the petitioner renewed his prayer for bail by filing third criminal miscellaneous application, being Criminal Miscellaneous No. 14295 of 2018 which was rejected vide order dated 18.07.2018.

It is submitted by learned counsel for the petitioner that since the petitioner is suffering from spinal ailment, hence he could not surrender in time and there is no likelihood of trial being concluded in near future. Hence, taking a sympathetic consideration, the petitioner may be enlarged on bail.

It is submitted by Mr. J. N. Thakur, learned APP for the state that in compliance of the orders dated 24.07.2019 and 21.08.2019, a counter affidavit, dated 28.08.2019, has been filed on behalf of the Superintendent of Police, Rohtas stipulating therein that out of eight prosecution witnesses, four have already been examined and for examination of rest four witnesses, necessary steps have already been taken and in such situation, the trial is likely to be concluded within next three months.



Considering the nature of accusation, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner in S. Tr. No.53 of 2013/Tr. No.105 of 2018 arising out of Nasriganj P.S. Case No. 40 of 2012, pending before the learned F.T.C.-I, Rohtas at Sasaram is, hereby, rejected.

However, the trial Court is expected to concluded the trial within a period of three months. If the trial will not be concluded within a period of three months, then the petitioner would be at liberty to renew his prayer for bail.

(Dinesh Kumar Singh, J)

Ashwini/-

U		T	
---	--	---	--

