

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45612 of 2019

Arising Out of PS. Case No.-49 Year-2016 Thana- DHOLBAJJA District- Bhagalpur

CHHOTU KUMAR SINGH @ CHHOTU SINGH S/o Late Mahendra Singh
R/o village- Kadwa Gola Tola, P.S.- Dholbazar, District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Kumar Thakur
For the Opposite Party/s : Mr.Pancha Nand Pandit

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

2 14-08-2019 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

The present petition for grant of regular bail is a third attempt at the behest of the petitioner herein in connection with Dholbaza P.S. Case No. 49 of 2016, corresponding to S.T. No. 423 of 2017 registered for the offences punishable under Sections 302, 120(B) & 34 of the Indian Penal Code and Section 27 of the Arms Act, inasmuch as the first petition of the petitioner for grant of regular bail was rejected by an order dated 10.08.2017 passed in Cr. Misc. No. 37816 of 2017 and the second prayer of the petitioner for grant of regular bail was rejected by an order dated 04.07.2018 passed in Cr. Misc. No.39423 of 2018.

The prosecution case as alleged by son of the



deceased is that when in the evening his father was sitting on the *Verandah* along with his friends, the petitioner and one Pintu Singh came on a motorcycle whereafter, Chhotu Singh fired on the head of the deceased and thereafter, the said Pintu Singh is said to have fired from his gun.

The learned counsel appearing for the petitioner has submitted that the petitioner is languishing in custody since 03.11.2016 and there is no likelihood of completion of the trial in near future, hence, the petitioner be enlarged on bail.

I have heard the learned counsel for the parties and I find that there has been no change in circumstances from the date of rejection of the prayer of the petitioner for grant of regular bail by orders dated 10.08.2017 and 04.07.2018, till date.

It is well settled law that once the application for grant of regular bail has been rejected, the same cannot be entertained if there is no change in circumstances.

Moreover, this Court finds from the records that serious allegations have been levelled against the petitioner herein, he is said to be the main assailant and had fired initially, resulting in death of one person. This Court also finds that the offence attributed to the petitioner is serious in nature.



Having regard to the facts and circumstances of the case, as also for the reasons stated herein above, I do not find any merit in the present petition, hence, the same is dismissed.

(Mohit Kumar Shah, J)

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