

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53853 of 2019

Arising Out of PS. Case No.-718 Year-2018 Thana- KADAMKUAN District- Patna

Rahul Kumar aged about 21 years, Gender Male, Son of Raju Prasad Resident of Mohalla - Jakkanpura Bela, P.S.- Jakkanpura, District- Patna

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 54896 of 2019

Arising Out of PS. Case No.-718 Year-2018 Thana- KADAMKUAN District- Patna

Bhawani Tiwary aged about 24 years, Gender Male, Son of Jagdish Tiwary Resident of Mohalla- Kadam Kuan, Shiv Mandir, Churi Market, Police Station- Kadam Kuan, District- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 53853 of 2019)

For the Petitioner/s : Mr. Vikramdeo Singh
Mr. Suraj Nr. Yadav
Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Ahmad Ali
Mr. Chhote Lal Mishra

(In CRIMINAL MISCELLANEOUS No. 54896 of 2019)

For the Petitioner/s : Mr. Vikramdeo Singh
Mr. Suraj Nr. Yadav
Mr. Binod Kumar Sinha

For the Opposite Party/s : Mr. Ram Sumiran Rai
Mr. Chhote Lal Mishra

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

5. 11-12-2019 Heard learned counsel for the parties.

The petitioners seek bail in Sessions Trial No. 348 of 2019, arising out of Kadam Kuan P.S. Case No. 718 of 2018, registered for offence under Sections 302, 326/34 of the Indian



Penal Code and Section 27 of the Arms Act.

Earlier, vide order dated 27-08-2019 (in Cr.Misc. No. 53853 of 2019), case diary alongwith report regarding the present stage of the case was called for from the court of learned Additional Sessions Judge-XVIII, Patna, which has been received and kept at flag 'P'. On perusal of the same, it appears that out of 11 chargesheeted witnesses, 4 witnesses have already been examined and rest 7 witnesses are required to be examined. It also appears from the report of the court below that for conclusion of trial, the learned court below has requested for 6-8 months time.

Learned counsel for the petitioners submits that both petitioners are inside jail since 26-11-2018 and as such, considering the period of their custody, they may be enlarged on bail, which was vehemently opposed by learned counsel for the informant.

In view of the aforesaid report of the learned trial court and considering the fact that there is specific allegation against the petitioner/Rahul Kumar (in Cr.Misc. No. 53853/2019) that he was seen firing and fleeing away by the informant and petitioner/Bhawani Tiwari (in Cr.Misc. No. 54896/2019) was also fleeing behind Rahul Kumar with *Bhujali*



in his hand, I am not inclined to grant bail to petitioners.

Accordingly, the prayer for bail of both petitioners stands rejected.

(Prabhat Kumar Singh, J.)

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