

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20789 of 2020

Arising Out of PS. Case No.-219 Year-2017 Thana- ATHMALGOLA District- Patna

Gaurav Kumar Son of Shyamli Singh @ Shyam Lal Singh Resident of Village
- Rampur Dumra Sankarbar Tola, P.S.- Maranchi, District- Patna

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Manoj Kumar Pandey
For the Opposite Party/s : Mr. Brajendra Nath Pandey

**CORAM: HONOURABLE MR. JUSTICE HEMANT KUMAR
SRIVASTAVA**

ORAL ORDER

3 20-10-2020 Heard learned counsel for the petitioner as well as

learned Additional Public Prosecutor for the State through video

conferencing.

Petitioner is in jail custody since 26.02.2018 in
connection with Athmalgola P.S. Case No. 219 of 2017
corresponding to Sessions Trial No. 203(A) of 2018 pending in
the court of Additional Sessions Judge-III, Barh, Patna.

Petitioner along with others is named in the first
information report with allegation that he as well as others made
indiscriminate firing causing death of the deceased.

Submission on behalf of the petitioner is that the
informant is not an eye witness of the alleged occurrence and in
course of investigation, though some prosecution witnesses



claimed to have seen the occurrence but they have not stated any specific thing against the petitioner.

Learned counsel of the petitioner further submits that petitioner is in jail custody since long but up till now, only six prosecution witnesses could be examined and there is no likelihood of conclusion of trial of the petitioner in near future.

Learned counsel of the petitioner further submits that petitioner does not have any criminal antecedent and as a matter of fact, he has been implicated in this case by the informant on account of land dispute.

Learned counsel of the petitioner further submits that office has pointed out some defects but the aforesaid defects could not be removed due to non availability of physical filing. Moreover, he undertakes that he will remove the aforesaid defects when the court starts normal function.

On the other hand, learned Additional Public Prosecutor opposed the prayer submitting that there is allegation of firing against the petitioner and others and moreover, deceased was killed because he was going to depose in murder case of his son.

Motive behind the alleged occurrence is very serious in nature and petitioner is named in the first information report.



The learned trial court has reported that, altogether, six prosecution witnesses including the investigating officer and doctor have already been examined and the case is pending for recording the evidence of informant and three other prosecution witnesses and to procure the attendance of above stated prosecution witnesses, processes have already been sent through D.I.G., Bihar.

In view of the aforesaid facts and circumstances as well as submissions of the parties, I do not think it proper to release the petitioner on bail for the present. Accordingly, his prayer for bail stands rejected.

However, if the trial of the petitioner is not concluded within eight months from today, petitioner may renew his prayer for bail before the learned trial court itself.

(Hemant Kumar Srivastava, J)

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