

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.27983 of 2020**

Arising Out of PS. Case No.-113 Year-2017 Thana- HASPURA District- Aurangabad

DHARMENDRA KUMAR S/o Late Videshi Singh Resident of Village-
Gahna, P.S.-Haspura, District-Aurangabad (Bihar).

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Krishna Pd. Singh, Sr. Advocate

For the Opposite Party/s : Mr.Abhay Kumar Roy, APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

2 04-11-2020 Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and Mr. Abhay Kumar Roy, learned A.P.P. for the State.

Petitioner, in the present case, is seeking regular bail in connection with S. Tr. No. 456/2017/262/2017 arising out of Haspura P.S. Case No. 113/2017 registered for the offences under Section 302 of the Indian Penal Code and Section 27 of the Arms Act, pending before learned 1st Additional Sessions Judge, Aurangabad.

Learned Senior Counsel for the petitioner submits that although in the First Information Report it will appear that petitioner is the assailant and it is alleged against him that he had shot dead his brother on account of a land dispute but the petitioner is in jail in connection with this case for over three years by now. On the ground of his custody for over three years prayer for bail has been made.

On the other hand, learned A.P.P. for the State has



opposed the prayer for regular bail of the petitioner and it is submitted that the gravity of the offence and the manner of occurrence as alleged in the F.I.R. as also the punishment prescribed for such offences if taken together for consideration at this stage, the period of custody alone would not be a ground for granting bail to the petitioner.

This Court agrees with the submission of learned A.P.P. for the State. There is a direct allegation against the petitioner that he had fired on his brother which ultimately proved fatal and caused death. Learned Senior Counsel for the petitioner has also informed this Court that the trial has already begun in this case and some of the prosecution witnesses have been examined. In that view of the matter, this Court is not inclined to grant privilege of regular bail to the petitioner.

Let the trial be expedited.

This application is dismissed.

(Rajeev Ranjan Prasad, J)

Rajeev/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

