

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31841 of 2020

Arising Out of PS. Case No.-584 Year-2018 Thana- BIKRAMGANJ District- Rohtas

Hazari Singh, Male, aged about 36 years, Son of Late Ramashish Singh
Resident of Village- Rauni, P.S.- Bikramganj, District- Rohtas at Sasaram,
Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Atul Chandra, Advocate
For the State : Mr. Madan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 18-12-2020

The matter has been heard *via* video conferencing due to circumstances prevailing on account of the COVID-19 pandemic.

2. Heard Mr. Atul Chandra, learned counsel for the petitioner and Mr. Madan Kumar, learned Additional Public Prosecutor (hereinafter referred to as the “APP”) for the State.

3. The petitioner seeks bail in connection with S.Tr. No. 280 of 2019 arising out of Bikramganj PS Case No. 584 of 2018 dated 25.12.2018, instituted under Sections 341, 323, 324, 325, 302, 307/34 of the Indian Penal Code and Section 27 of the Arms Act.



4. This is the second attempt for bail as earlier such prayer was rejected by Hon'ble Mr. Justice Sanjay Priya, as he then was, on 14.08.2019 in Cr. Misc. No. 37953 of 2019.

5. Learned counsel for the petitioner submitted that earlier the trial Court was directed to expedite the trial and make efforts to conclude the same as early as possible preferably within a period of nine months from the date of receipt/production of copy of this order. It was submitted that after such rejection, several witnesses have been examined and now the Investigating Officer and Doctor remain to be examined.

6. Learned APP submitted that there is direct and specific allegation against the petitioner who had fired on the chest of the father of the informant leading to his instantaneous death, which aspect was considered and the Court earlier had rejected the application. It was submitted there is no change in circumstances and most importantly, the incident occurred less than two years ago.

7. Having regard to the aforesaid facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds that in view of specific and direct allegation against the petitioner of having fired leading to death of the father of the informant, which is corroborated by the Post



Mortem Report, the Court is not inclined to grant bail to the petitioner. Accordingly, the application stands dismissed.

8. However, as already there was direction to the Court below to expedite the trial and conclude the same preferably within a period of nine months, in the fitness of things, the trial Court is directed to ensure that the remaining prosecution witnesses are examined at the earliest and in any case, positively within two months from the date of communication of the order.

9. Registry shall communicate the order to the Court below latest by tomorrow.

(Ahsanuddin Amanullah, J)

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