

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54068 of 2019

Arising Out of PS. Case No.-20 Year-2018 Thana- BALIYA District- Begusarai

Guddu Mishra Son of Ramanand Mishra Resident of Village - Gokhala Nagar
Bishanpur, P.S.- Ballia, District- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Binod Kumar, Advocate
For the Opposite Party/s	:	Mr. J.N. Thakur, APP

CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER

6 26-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned Senior counsel for the petitioner,
learned APP for the State and learned counsel for the informant.

The petitioner has renewed the prayer for bail in a
case registered for the offences punishable under Sections
302/34 of the Indian Penal Code and Section 27(3) of the Arms
Act.

The prosecution case, as per the fardbeyan of
Raman Kumar, recorded by Sunil Kumar, Inspector of Police,
Baliya Police Station on 28.01.2018, is to the effect that on
27/28.01.2018 at 12.00 A.M., in the mid night, the informant,
along with his brother, Amindev Kumar and mother, Rupam



Devi was sleeping in a room, in the meantime, the petitioner entered into the room, dragged the mother of the informant in the courtyard and shot her dead on the spot.

It is submitted by learned Senior counsel for the petitioner that the petitioner is languishing in custody since 30.01.2018 and since the Court proceedings are not functional in physical mode due to present pandemic COVID-19, the trial is not likely to be concluded in near future. Moreover, no motive for the killing of the mother of the informant has been alleged. There is inconsistency between the fardbeyan and statement of the informant recorded under Section 164 of the Cr.P.C. A statement has been made in paragraph no.3 of the petition that the petitioner is not having any criminal antecedent.

Learned counsel for the informant and the State submit that the petitioner is the sole assailant. The accusation is being corroborated by the medical opinion and the trial is at the advance stage.

The earlier prayer for bail of the petitioner was rejected vide order dated 24.01.2019 passed in Cr. Misc. No. 56078 of 2018 on the ground that the informant and his brother are the eye witnesses to the occurrence, the mother of the informant has been brutally killed and the medical opinion



corroborated the accusation. However, learned trial court was directed to expedite the trial. The report of learned Additional District & Sessions Judge-V, Begusarai dated 13.07.2020 reflects that out of 12 witnesses, 7 have already been examined, P.W.2 has been recalled on the prayer of the defence and the trial is likely to be concluded within a period of three months after resumption of court proceedings in physical mode.

Considering the fact that the trial is at the advance stage and the nature of accusation, petitioner being the sole assailant, this Court is not inclined to revise the earlier order.

Accordingly, the prayer for bail of the petitioner is rejected in connection with Sessions Trial No. 301 of 2018, arising out of Ballia P.S. Case No. 20 of 2018, pending in the Court of learned Additional Sessions Judge-V, Begusarai.

However, if the trial is not concluded within three months after resumption of court proceedings in physical mode, the petitioner will be at liberty to renew the prayer for bail.

Accordingly, the application stands disposed of.

(Dinesh Kumar Singh, J)

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