

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52218 of 2019**

Arising Out of PS. Case No.-173 Year-2015 Thana- BAIKUNTHPUR District- Gopalganj

BISHUNU BAITHA @ VISHNU BAITHA Son of Late Ram Balak Baitha
Resident of Village - Pyarepur, P.S.- Baikunthpur, District- Gopalganj

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raghav Prasad, Adv.

For the Opposite Party/s : Mr. Pancha Nand Pandit, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

3 17-03-2020 Heard learned counsels for the petitioner and learned
APP for the State.

The petitioner who is languishing in custody since 22.09.2015 has renewed his prayer for bail in a case registered for the offences punishable under Sections 302/34 of the Indian Penal Code, Section 27 of the Arms Act and Section 17 of the Criminal Law (Amendment) Act.

The prosecution case as per the fardbeyan of Jai Narayan Kunwar recorded by Vijay Mahto, S.I.-cum-S.H.O. Baikunthpur, on 21.09.2015 at 10.00 P.M. is to the effect that the younger brother of the informant namely, Parmeshwar Kunwar went to Pyarepur market for taking tea and after 10 minutes, the nephew of the informant came to his house and



thereafter along with him, the informant also went to the Pyarepur market. Subsequently, when the brother of the informant was returning, on the way, the petitioner, Bishnu Baitha and one unknown co-accused fired at the brother of the informant causing injury at his back, as a result, the brother of the informant fell down. Thereafter, two other unknown co-accused came and all the co-accused, including the petitioner started indiscriminate firing on the informant's brother, as a result, he died on the spot. The motive of the occurrence is alleged to be a dispute with regard to PDS dealership.

It is submitted by learned counsel for the petitioner that from the FIR it appears that the informant is not the eye witness to the alleged occurrence and in the background of old enmity, the petitioner has been roped in the present case.

Learned APP for the State submits that the petitioner is the main assailant.

It appears from the report of the learned ADJ-I, Gopalganj, dated 13.09.2019 that the prosecution evidence has been closed. The statement of accused persons has been recorded under Section 313 of the Cr. P.C. and thereafter four defence witnesses have been examined.

Considering, the advance stage of the trial, this



Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner in connection with S. Tr. No.167 of 2016, arising out of Baikunthpur P.S. Case No.173 of 2015, pending before the learned ADJ-I, Gopalganj is rejected.

However, it is expected from the trial Court to conclude the trial within a period of three months, if it has not already been concluded. If the trial is not concluded within the aforesaid period, the petitioner would be at liberty to renew the prayer for bail.

(Dinesh Kumar Singh, J)

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