

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67779 of 2019

Arising Out of PS. Case No.-156 Year-2015 Thana- DAUDNAGAR District- Aurangabad

ARBIND KUMAR Son of Rajdev Singh Resident of Village - Karma Kala,
P.S.- Daudnagar, Dist.- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Brisketu Sharan Pandey

For the Opposite Party/s : Mr.Sanjay Kumar Tiwary

**CORAM: HONOURABLE MR. JUSTICE RAJENDRA KUMAR
MISHRA**

ORAL ORDER

3 18-02-2020 Let the supplementary affidavit filed on behalf of
the petitioner be kept on the record.

Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

The petitioner seeks bail in connection with
Daudnagar P.S. Case No.156 of 2015 registered under Sections
147, 148 and 302 of the Indian Penal Code besides Section 27
of the Arms Act.

The accusation is that when the deceased Chandan
Kumar reached near his door, at that time, six persons, named in
the F.I.R., including the petitioner came and out of the aforesaid
six persons, five persons caught hold of the deceased and,
thereafter, this petitioner shot fire, which hit the deceased



Chandan Kumar, who died on the spot.

Learned counsel appearing on behalf of the petitioner submits that, admittedly, the prayer of the petitioner for grant of bail was, earlier, rejected by this Court thrice, lastly vide order dated 24.04.2019 passed in Criminal Misc. No.21942 of 2019 with a direction to the trial court to conclude the trial positively within two months from the date of receipt/production of a copy of the aforesaid order but, in spite of passing over the period of nine months, the trial has not been concluded as yet. Further submission is that, in fact, the petitioner, who is army personnel, had come to his village and when he was going to his house from the market, in the way, due to land dispute, Sudama Singh, the father of the deceased, fired, which hit the petitioner and his firing also hit to his son Chandan Kumar(deceased), who died on the spot, but with an ulterior motive, the present case has been lodged. In the firing of the father of the deceased, the petitioner had also sustained injury regarding which on the basis of the fardbeyan of the petitioner, Daudnagar P.S. Case No.160 of 2015 was also instituted against the prosecution party and the petitioner was also under treatment at P.M.C.H., Patna, and I.G.I.M.S., Patna. The petitioner is in custody since 26.07.2017.



Having regard to the facts and the circumstances of the case and the nature of allegation against the petitioner, I am not inclined to reconsider the prayer of the petitioner to grant him bail. Accordingly, the prayer of the petitioner for grant of bail is again rejected. However, the Additional Sessions Judge-X, Aurangabad, is directed to conclude the trial within six months from the date of receipt or production of a copy of this order. If the trial is not concluded within the aforesaid period of six months, the petitioner would be at liberty to renew his prayer for bail.

(Rajendra Kumar Mishra, J)

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