

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.19571 of 2021

Arising Out of PS. Case No.-125 Year-2019 Thana- JAMUI District- Jamui

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Ganga Singh @ Manish Singh, Son Of Late Umesh Singh, Resident Of
Village Kakan, P.S. And District- Jamui

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Ajit Kumar, Advocate

For the Opposite Party/s : Mr. Binod Kumar No. 3, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 21-10-2021 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. Binod
Kumar No. 3, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in
connection with Jamui P.S. Case No. 125 of 2019 registered for
the offence punishable under Sections 147, 148, 149, 307, 302 of
the Indian Penal Code and Section 27 of the Arms Act. He is in
custody since 14.10.2019. Petitioner has got two criminal
antecedents as stated in paragraph '3', however, learned A.P.P. for
the State submits that there seems to be a typographical error with
regard to Jamui P.S. Case No. 529 of 2018, in fact it should have
been '599 of 2018'.



Learned counsel for the petitioner submits that earlier the prayer for regular bail of the petitioner was rejected by the learned predecessor Bench of this Court in Cr. Misc. No. 20689 of 2020 after noticing the allegation that this petitioner is said to have fired first on the deceased and thereafter the co-accused had fired upon him.

The submission is that there is an allegation of indiscriminate firing and the petitioner has remained in custody in connection with this case for over two years but there is absolutely no progress in course of trial. It is, thus, his submission that the petitioner cannot be kept in custody by way of punishment and his further incarceration is not likely to come in aid of prosecution.

On the other hand, Mr. Binod Kumar No. 3, learned A.P.P. for the State submits that in this case there is specific allegation that this petitioner had fired first and thereafter the co-accused had fired. There are six entry wounds on the dead body, therefore, the manner of occurrence as alleged are getting supported from the materials on the records. It is his submission that this Court may direct the learned trial court to proceed with the trial as early as possible.

Considering the facts and circumstances of the case, this being a case of killing and the allegation is that this petitioner had opened the first firing which was followed by the co-accused



ultimately killing the father of the informant on the spot itself and the prayer for bail of the petitioner has been rejected earlier, thereafter the intervening circumstances such as Covid-19 situation has not allowed the court to run smoothly, this Court is not inclined to release the petitioner on regular bail at this stage. The prayer for bail of the petitioner is, thus, refused.

Now the trial courts are opened, this Court expects that the trial court shall proceed with the case as early as possible and conclude the trial preferably within a period of one year from the date of communication of this order. The trial court shall keep the records on shorter dates in the physical court and the prosecution must cooperate by producing all the witnesses on the date fixed in the matter.

If the trial still remains unconcluded within a period of one year as indicated above for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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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'.

