

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 21910 of 2021

Arising Out of PS. Case No.-36 Year-2019 Thana- DUMRAO District- Buxar

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Akash Kumar @ Golu, aged about 20 years, Male Son of Harendra Rai,
Resident of Village- Chilahari, PS- Dumraon (Naya Bhojpur OP), District-
Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Senior Advocate with Mr. Rajeev Ranjan, Advocate
For the State	:	Mr. Nitya Nand Tiwary, APP
For the Informant	:	Mr. Manish Kumar No. 2, Advocate

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-08-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Ramakant Sharma, learned senior counsel along with Mr. Rajeev Ranjan, learned counsel for the petitioner; Mr. Nitya Nand Tiwary, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State and Mr. Manish Kumar No. 2, learned counsel for the informant.

3. The petitioner is in custody in connection with Dumraon (Naya Bhojpur OP) PS Case No. 36 of 2019 dated 03.02.2019, instituted under Sections 147, 148, 149, 307, 504, 506 of the Indian Penal Code and 27 of the Arms Act, 1959.



4. This is the second attempt for bail by the petitioner as earlier such prayer was rejected by judgment and order dated 01.07.2020 passed in Cr. Misc. No. 18669 of 2020.

5. Learned counsel for the petitioner submitted that the merits of the case have been discussed by the Court. However, it was submitted that the petitioner is in custody since 03.02.2020 and past enmity between the sides is admitted. It was submitted that the Court may call for a report with regard to the status of the trial.

6. On such stand by learned senior counsel on 04.08.2021, a report was called from the Court below with regard to the status/position of the trial and likely time by which it can be concluded.

7. Pursuant to the same, a report has been received from the Additional District and Sessions Judge, VII, Buxar dated 07.08.2021, in which it has been stated that out of eight prosecution witnesses, four have been examined and the trial could not proceed because of the functioning in virtual mode of the Courts due to the pandemic COVID-19. It was submitted that the trial would be concluded as soon as possible.

8. Learned counsel submitted that there is past enmity between the parties and repeatedly cases have been filed against



him and as the petitioner now is in custody since 03.02.2020, the Court may consider the prayer.

9. Learned APP submitted that the merits of the case have been dealt in detail in the earlier judgment and order dated 01.07.2020 passed in Cr. Misc. No. 18669 of 2020, by which such prayer was rejected and there is no fresh circumstances for grant of bail.

10. Learned counsel for the informant submitted that in the past, one of the family members had been killed by the petitioner's side and one had been injured for which cases have been filed and in the present case also since the petitioner is the sole person who is said to have fired on the informant, the injuries corroborating such allegation and as has been observed by the Court in the last order of rejection that there was slim chances of false implication as no other person has been made accused, the petitioner does not deserve to be enlarged on bail as there is more than sufficient material against him.

11. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court does not find any mitigating circumstances to reconsider the prayer for grant of bail to the petitioner.

12. Accordingly, the petition stands dismissed.



13. However, keeping in view the fact that physical functioning of the Courts below have been initiated, let the trial in the present case be expedited and concluded at the earliest and latest within nine months from today.

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

(Ahsanuddin Amanullah, J.)

P. Kumar

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