

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31288 of 2021**

Arising Out of PS. Case No.-35 Year-2019 Thana- MORKAHI District- Khagaria

RAHUL KUMAR SON OF OKIL RAY R/O MOHALLA/VILLAGE-
BARIYAH, P.S.- MORKAHI, DISTRICT- KHAGARIA.

... .. Petitioner.

Versus

The State of Bihar

... .. Opposite Party.

Appearance :

For the Petitioner	:	Mr. Alok Kumar Chaudhary, Advocate. Mr. Kedar Jha, Advocate.
For the State	:	Mr. Syed Ehteshamuddin, A.P.P.

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

ORAL ORDER

3 15-09-2021 Heard learned counsel for the petitioner and the
learned A.P.P. for the State, through Video Conferencing.

The petitioner seeks bail in connection with Sessions Case No.266 of 2019, arising out of Morkahi P.S. Case No.35 of 2019, registered under Sections 302/34 of the Indian Penal Code besides Section 27 of the Arms Act.

The accusation is that the informant Bhushan Kumar along with his nephew (Bhagina) Ideal Kumar proceeded from his house and went at the grocery shop of his villager Murari. In the way, at the door of Balmiki, D.J. was being played, then Ideal Kumar, the nephew (Bhagina) of the informant, started to see the D.J. At that time, Rahul Kumar (petitioner), Govind Kumar and Gopal Kumar having pistol in



their hand started firing. The firing of this petitioner hit at the stomach of Ideal Kumar, the nephew (Bhagina) of the Informant, who fell down on the ground and died on the spot.

Learned counsel appearing on behalf of the petitioner submits that, earlier, while the prayer of the petitioner for grant of bail was rejected by this Court vide order dated 27.11.2019 passed in Criminal Misc. No.67400 of 2019 but there is no progress in the trial of the petitioner. The petitioner is in custody since 28.05.2019.

The report regarding the present stage of the trial of the case, as called for vide order dated 04.08.2021 passed by this Court, has been received from the court of the Additional Sessions Judge-V, Civil Court, Khagaria, vide Letter No.120/2021 dated 10.08.2021, from which it appears that while the charge has been framed in the case but out of the nine charge-sheeted witnesses, no witness has been examined till date due to COVID-19 Pandemic and the trial of the case may be concluded within nine months from the date of normal/physical functioning of the court on full cooperation of prosecution as well as defence.

Having regard to the facts and the circumstances of the case, I am not inclined to reconsider the prayer of the



petitioner for grant of bail. Accordingly, the prayer of the petitioner for grant of bail stands rejected. However, the trial court is directed to conclude the trial of the petitioner within nine months by taking all effective steps. If the trial of the petitioner is not concluded within the aforesaid period of nine months, the petitioner would be at liberty to renew his prayer for bail after the aforesaid period of nine months.

(Rajendra Kumar Mishra, J)

P.S./-

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