

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35021 of 2021**

Arising Out of PS. Case No.-74 Year-2019 Thana- ARA NAWADA District- Bhojpur

SONU KUMAR @ SONO KUMAR Son of Late Bharat Singh Resident of
Village- Uttari Nawada, P.S.- Ara Nawada, District- Bhojpur at Ara.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Rama Kant Singh,Advocate

For the Opposite Party/s : Mr.Md.Fahimuddin,APP

**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

4 06-10-2021 Heard learned counsel for the petitioner and Mr. Md.
Fahimuddin, learned APP for the State.

This is the third attempt of the petitioner to obtain regular
bail in connection with Ara Nawada P.S. Case No. 74 of 2019
registered for the offences punishable under Sections 302, 34 of the
Indian Penal Code and Section 27 of the Arms Act.

Earlier his prayer for bail was twice rejected by this Court
after noticing that the name of the petitioner has transpired in course
of investigation as the main assailant.

Learned counsel for the petitioner submits that on earlier
occasion perhaps it could not be pointed out to this Court that in the
First Information Report, there were general and omnibus kind of
allegations and it is only after 12 days of the alleged occurrence the
brother-in-law of the informant made a statement that it was this
petitioner who had fired upon the deceased.

Learned counsel further submits that the petitioner is in



custody in connection with this case since 08.07.2019, thus more than two years have gone but till date charge has not been framed.

Learned APP for the State has opposed the prayer for regular bail of the petitioner. It is submitted that the name of the petitioner has transpired as the main assailant, hence, he does not deserve privilege of bail.

Considering the facts and circumstances of the case, the rejection of the prayer twice on earlier occasion, considering the gravity of the offence alleged, this Court is not inclined to release the petitioner on bail at this stage.

The submission of learned counsel for the petitioner that the petitioner is in custody for over two years would definitely attract an observation that the learned trial court must proceed with the framing of charge and the trial as early as possible and all endeavours be made to conclude the trial preferably within a period of one year. The prosecution must co-operate in course of trial. Failure to conclude the trial for no reason attributable to the petitioner would result in liberty to the petitioner to 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'.

