

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.28090 of 2020

Arising Out of PS. Case No.-431 Year-2013 Thana- HAJIPUR SADAR District- Vaishali

Nitya Nand Ray, Gender- Male, aged about 36 years, son of Devnandan Ray,
Resident of Village- Dighi Kala, Police Station- Hajipur Sadar in the District
of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Sunil Kumar, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH
ORAL JUDGMENT

Date : 25-01-2021

The matter has been heard *via* video conferencing.

2. Heard Mr. Sunil Kumar, learned counsel for the petitioner and Mr. Ram Sumiran Rai, learned Additional Public Prosecutor (hereinafter referred to as the ‘APP’) for the State.

3. The petitioner apprehends arrest in connection with Hajipur Sadar PS Case No.431 of 2013 dated 13.12.2013, instituted under Sections 302, 120-B of the Indian Penal Code and 27 of the Arms Act, 1959.

4. The allegation against the petitioner is that he fired on the brother of the informant leading to his death.

5. Learned counsel for the petitioner submitted that in the FIR it has been stated that it was the petitioner, who fired and fled away, but in the deposition before the Court, the



informant has stated that he did not see the occurrence.

6. Learned APP submitted that from the materials on record, it is clear that in 2019 itself five prosecution witnesses have been examined and, thus, the Court may not consider the present application.

7. Having considered the facts and circumstances of the case and submissions of learned counsel for the parties, the Court finds substance in the contention of the learned APP. As five prosecution witnesses, as per the own showing of the petitioner, have already examined in the year 2019 itself, it appears that the trial has progressed substantially and is nearing conclusion. Moreover, the case is of the year 2013 and the petitioner has moved the Court after much delay, and almost at the stage of conclusion of trial. Thus, the Court is not inclined to grant pre-arrest bail to the petitioner.

8. Accordingly, the application stands dismissed.

9. However, the Court below is directed to expedite the trial.

(Ahsanuddin Amanullah, J)

J. Alam/-

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