

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29839 of 2020

Arising Out of PS. Case No.-173 Year-2015 Thana- BAIKUNTHPUR District- Gopalganj

BISHNU BAITHA @ VISHNU BAITHA, aged about 60 years, Male, Son of
Late Ram Balak Baitha, resident of Village-Pyarepur, Police Station-
Baikunthpur, District-Gopalganj.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Raghav Prasad, Advocate,
For the Opposite Party : Mr. A.G.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

4 05-02-2021 Learned counsel for the petitioner is directed to
remove the defects, as pointed out by the office, within a period
of four weeks.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 302/34 of the I.P.C., 27 of the Arms Act
and 17 of the C.L.A. Act.

The prosecution story, in brief, is that on 21.09.2015
at 10.00 P.M. the younger brother of the informant, namely,
Parmeshwar Kunwar, went to *Pyarepur Market* for taking tea
and after 10 minutes, the nephew of the informant came to his
house and thereafter alongwith him, the informant also went to



the *Pyarepur Market*. Subsequently, when the brother of the informant was returning, on the way, the petitioner Bishnu Baitha and one unknown co-accused fired at the brother of the informant causing injury at his back, as a result, the brother of the informant fell down. Thereafter, two other unknown co-accused came and all the accused, including the petitioner started indiscriminate firing on the informant's brother, as a result, he died on the spot. The motive of the occurrence is alleged to be a dispute with regard to P.D.S. dealership.

Earlier bail applications of the petitioner were rejected vide Cr. Misc. No. 32288 of 2016 under order dated 19.08.2016 and Cr. Misc. No. 52218 of 2019 under order dated 17.03.2020 by the then Co-ordinate Benches of this Court, annexed as Annexure-1 series to the present application, taking into account that the petitioner is also one of the assailants.

This is third attempt on behalf of the petitioner for grant of bail.

A report was called for from the court below regarding the present stage of the case. It has been reported that all the prosecution witnesses have been examined and the defence witnesses have also been examined and the trial is expected to be concluded within a period of three months.



Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 167/16, arising out of Baikunthpur P.S. Case No. 173/15, pending in the court of learned Ist Additional Sessions Judge, Gopalganj.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of three months from the date of receipt/production of copy of this order.

It is further pointed out that the petitioner is in custody since 22.09.2015.

(Sudhir Singh, J)

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