

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40606 of 2021

Arising Out of PS. Case No.-256 Year-2019 Thana- MOUZA HIDPUR District- Bhagalpur

SAURABH KUMAR @ BAUWA @ SAURAV KUMAR Son of Raj Kumar
prasad @ Raj Kumar Prasun Resident of Village- Tample Road, P.S.- Barari,
District- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajive Ranjan Singh, Advocate

For the Opposite Party/s : Mr. Umesh Lal Verma, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

3 29-09-2021 Heard Mr. Rajive Ranjan Singh, learned counsel

for the petitioner and Mr. Umesh Lal Verma, learned

Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with

Sessions Trial No. 28 of 2020 arising out of Mojahidpur

P.S. Case No. 256 of 2019 registered for the offence

punishable under Section 302 of the Indian Penal Code.

This is second attempt for grant of regular bail on

behalf of the petitioner inasmuch as earlier the bail

application of the petitioner was rejected by this Court vide

order dated 16.10.2020 passed in Cr. Misc. 22986 of 2020

with liberty to renew his prayer for grant of regular bail



after six months.

The allegation, as per the First Information Report, is that the petitioner assaulted the tenant of his maternal grand mother by means of iron rod (*Khanti*) on his head, due to which, the tenant died.

Learned counsel for the petitioner submits that the petitioner has falsely been implicated in this case and there is no eye witness to the occurrence. Learned counsel further submits that the only material which has come before the Police is confessional statement of the petitioner.

On the other hand, learned counsel for the State submits that the petitioner is the sole accused in this case and there is enough material against him. Learned counsel further submits that from perusal of the First Information Report, it appears that the petitioner has been seen assaulting and dragging the victim in the CCTV footage.

This Court by an order dated 25.8.2021 had called for a report from the Trial Court regarding stage of the trial and in pursuance thereof, the report has been furnished by the learned Additional Sessions Judge -XI, Bhagalpur, vide letter No. 87 dated 1.9.2021 and from perusal of the same it



appears that the Trial Court has given the estimated time for completion of the trial within three months.

In view of the nature of allegation and the report of the learned Trial Court, I am not inclined to grant regular bail to the petitioner at this stage.

The prayer for grant of regular bail of the petitioner stands rejected.

However, the petitioner may renew his prayer for bail after three months if the trial does not conclude.

(Anil Kumar Sinha, J)

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