

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41753 of 2021

Arising Out of PS. Case No.-926 Year-2018 Thana- PHULWARISHARIF District- Patna

SUBODH KUMAR @ SANTU KUMAR Son of Late Mahanand Sharma
Resident of Village - Mahangupur, P.S. - Janipur, District - Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Devendra Narayan Singh
For the Opposite Party/s	:	Mr. Murli Dhar
For the informant	:	Mr. Vijay Kumar Sinha

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 27-10-2021 Heard learned Counsel for the petitioner, learned Counsel for the informant and learned Additional Public Prosecutor for the State.

The petitioner seeks regular bail in connection with Sessions Trial No. 357 of 2019, arising out of Phulwarisharif Police Station Case No. 926 of 2018, registered for the offences punishable under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

This is the second attempt on behalf of the petitioner for grant of regular bail. Earlier, the prayer for regular bail of the petitioner was dismissed as withdrawn, vide order, dated 11.01.2021, passed in Criminal Misc. No. 26596 of 2020, giving liberty to the petitioner to renew his prayer for bail after three



months from the date of the order.

The allegation, as per the First Information Report, is that the petitioner, along with other accused, allegedly fired upon the father of the informant, causing his death.

Learned Counsel for the petitioner submits that there is specific allegation of firing upon the deceased by two persons, i.e. the petitioner as well as one Santosh Kumar; whereas, in the post-mortem examination report, only one bullet injury has been found near the chest of the deceased.

On the other hand, learned Counsel for the informant submits that there is specific allegation against the petitioner of firing upon the deceased near his chest and the detailed description of the post-mortem examination report corroborates the statement made in the First Information Report.

This Court, vide order, dated 18.08.2021, had called for a report from the learned Court below regarding the stage of the case and in pursuance of the said order, a report has been submitted by learned 17th Additional Sessions Judge, Patna, and from perusal of the same, it would be evident that all the chargesheeted witnesses, along with doctor, have already been examined and cross-examined.

Having heard learned Counsel for the parties and



taking into consideration the fact that trial is almost at the verge of conclusion, I am not inclined to grant regular bail to the petitioner at this stage.

This application is, accordingly, dismissed.

However, the petitioner will be at liberty to renew his prayer for bail if the trial is not concluded within a period of four months from today.

(Anil Kumar Sinha, J.)

Prabhakar Anand/-

U	✓	T	✓
---	---	---	---

