

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No 75092 of 2019

Arising Out of PS. Case No.-182 Year-2017 Thana- SISWAN District- Siwan

CHHOTAN RAY Son of Adalat Rai Resident of Village - Ramgarh, P.S. -
Siswan (Chainpur O.P.), District - Siwan

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr Anil Kumar Tiwary, Advocate
For the S t a t e	:	Mr Satya Nand Shukla, APP
For the I n f o r m a n t	:	M/s Manish Chandra Gandhi, Kr Samarjeet Singh, Anil Kr Singh, Advocates

CORAM: HONOURABLE MR JUSTICE MADHURESH PRASAD

ORAL ORDER

5 25-01-2021 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Siswan (Chainpur OP)
Police Station (for brevity *PS*) Case No 182 of 2017 instituted
for the offence punishable under Sections 394, 302/120B of
Indian Penal Code and subsequently added with Sections 25 (1-
b), 26, 27 and 35 of Arms Act.

The petitioner had earlier moved this Court for grant
of bail in Cr Misc No 42271 of 2018 which was rejected by
order dated 29.10.2018 (Annexure 1).

The case is that the petitioner, along with others, has
allegedly fired a shot in the stomach of the son of the informant



leading to his subsequent demise.

Learned counsel for the petitioner submits that other similarly situated co-accused Akash Kumar Rai @ Md Salman has been granted bail by a coordinate Bench of this Court by order dated 15.07.2019 passed in Cr Misc No 17558 of 2019. The petitioner is now in custody since about three years and two months.

This Court had earlier called for a report from the trial Court. The report states that charge sheeted witnesses, except the Investigating Officer and Doctor, have been examined in the case and that the next date for remaining prosecution evidence is fixed for 25.01.2021.

Learned counsel for the informant and the learned APP for the State have pointed out that while rejecting the petitioner's prayer for bail, this Court had taken into consideration that in the investigation, it has emerged that subsequently the fatal shot was attributed to the petitioner.

In view of the aforesaid submissions and circumstances emerging from the submissions, this Court would observe that the Court below should take the trial to its logical conclusion expeditiously, without any delay and preferably within three months from the date of receipt/production of a



copy of this order.

Considering the rival submissions, this Court, for the present, is not inclined to allow the prayer for bail. The same is rejected.

In the event, the trial is not concluded within the aforesaid time frame, the petitioner would be at liberty to approach this Court.

(Madhuresh Prasad, J)

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