

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15443 of 2022

Arising Out of PS. Case No.-267 Year-2019 Thana- SARAI District- Vaishali

Suraj Kumar, Son of Raja Prasad Rai Resident of Village - Dighi Kala West,
P.S.- Hajipur Sadar in the District of Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Ranjeet Kumar, Advocate.

For the Opposite Party/s : Mr.Jitendra Kumar Singh, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 01-09-2022 Heard Mr. Ranjeet Kumar, learned counsel
appearing on behalf of the petitioner and Mr. Jitendra Kumar
Singh, learned APP for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner seeks regular bail in connection with
Sarai P.S. Case No. 267 of 2019 for the offence punishable
under Sections 302/34 of the Indian Penal Code and Section 27
of the Arms Act.

Prosecution story, in brief, is that fardbeyan of the
informant Upendra Singh was recorded by the S.H.O., Sarai
P.S., Vaishali on 20.07.2019 at 21:30 PM to the effect that the
informant got information that his brother Ravindra Singh has



been killed and thereafter the family of the informant went to the place of occurrence and found the dead body lying in front of the restaurant of Bhola Singh. The deceased had sustained 15-20 fire arm injury. The name of the petitioner surfaced in course of investigation. He has been made accused on the basis of confessional statement of one co-accused Ranjit Kumar.

Learned counsel appearing on behalf of the petitioner submitted that there are nine cases pending against the petitioner and to that effect he has made specific statement in Para-3 of the bail application. So far as the present petitioner is concerned, no material has been collected against him in course of investigation. Merely because the petitioner is having his implication in several cases, he has been falsely implicated in this case. He further submitted that in want of any evidence, the petitioner cannot be allowed to remain in custody and his vital right of life and liberty cannot be denied. The trial has progressed at very slow pace, as such, the petitioner who is in custody since 01.02.2021 be released on bail.

Learned A.P.P appearing on behalf of the State submitted that the petitioner is a habitual offender and he is involved in altogether nine cases which is evident from Para-3 of the bail application and cases of the other co-accused who



have been released on bail are different from the petitioner, therefore, it would not be proper in the interest of the society to release the petitioner on bail.

Taking into consideration the materials which have been collected against the petitioner in course of investigation and the criminal antecedent of the petitioner, I am not inclined to enlarge the petitioner on bail.

Accordingly, the present bail application is rejected.

As the petitioner is in custody since 01.02.2021, the trial court is directed to conclude the trial expeditiously well within a period of 15 months.

Superintendent of Police, Vaishali is directed to produce all the prosecution witnesses on each and every date fixed by the trial court.

If the prosecution fails to record their evidence and to that effect defence takes objection and in spite of that trial don't proceed because of deliberate inaction of the prosecution, the petitioner will be at liberty to renew his prayer for bail.

(Purnendu Singh, J)

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