

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.20791 of 2020**

Arising Out of PS. Case No.-97 Year-2019 Thana- OBRA District- Aurangabad

ABHISHEK KUMAR @ ABHISHEK GIRI Son of Santosh Giri Resident of  
Village - Rampur, Police Station - Obra in the district of Aurangabad.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Mithlesh Kumar Khare, APP

**CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA**  
**ORAL ORDER**

6      05-05-2022                      Heard learned counsel for the petitioner and the  
learned A.P.P. for the State.

The petitioner seeks bail in a case registered for the  
offence under Sections 302/34 of the Indian Penal Code and  
Section 27 of the Arms Act.

The petitioner is said to have inflicted gun shot injury  
to the Sonu Kumar, who is son of the informant, as a result of  
which he died during course of treatment.

Learned counsel appearing for the petitioner submits  
that the petitioner, who is of clean antecedent, is innocent and  
has falsely been implicated in this case. He further submits that  
the informant who claims to be eye witness was not present at  
the place of occurrence but on the basis of hearsay witnesses, he  
named the petitioner and other in the alleged occurrence. He  
further submits that the trial of the case is not likely to be  
concluded in near future. He further submits that the petitioner  
is rotting in judicial custody since 19.04.2019 i.e. more than three



years. Hence, the petitioner may be enlarged on bail.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that there is direct allegation of making firing upon the victim against the petitioner due to which the son of the informant died during course of treatment. He further submits that the trial of the case is likely to be concluded very soon as the report received from court below reveals that the charges have been framed in this case and there is substantial progress in the trial of the case as altogether eight charge-sheet witnesses have been examined till date and the case is running for prosecution evidence. Hence, the petitioner may not be enlarged on bail.

Considering the facts and circumstances of the case and the rival submission of the parties and also the gravity of offence of murder, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of this petitioner is rejected.

However, learned trial court is directed to expedite the trial.

**(Rajesh Kumar Verma, J)**

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