

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33584 of 2021

Arising Out of PS. Case No.-501 Year-2019 Thana- MUZAFFARPUR SADAR District-
Muzaffarpur

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SUNIL KUMAR GUPTA @ DABBU Son of Basudeo Sah Resident of
Village - Subhash Nagar, Road No.9, P.S.- Saqdar, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajendra Narayan, Sr. Adv Mr. Sanjeev Kumar Mishra, Adv.
For the Informant	:	Ms. Bela Singh, Adv.
For the State	:	Dr. Kumar Uday Pratap, APP

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CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

4 29-03-2022 Heard Mr. Rajendra Narayan, learned senior counsel
for the petitioner, Ms. Bela Singh, learned counsel appearing for
the informant and Dr. Kumar Uday Pratap, learned Additional
Public Prosecutor for the State.

Petitioner seeks regular bail in connection with
Muzaffarpur Sadar PS Case No. 501/2019 registered for the
offence punishable under Sections 302/34 of the IPC and
Section 27 of the Arms Act.

As per the First Information Report, petitioner along
with other accused persons arrived at the house of informant and
started abusing and assaulting his father by the butt of the pistol
due to which, his father died.

Learned senior counsel for the petitioner submits that



the allegation against the petitioner is general and omnibus in nature and the petitioner has falsely been implicated in this case due to land dispute and political rivalry. He next submits that the petitioner has got no criminal antecedent and during course of investigation no cogent material has come against the petitioner and in the postmortem report only two abrasions have been found on the person of deceased. Petitioner is in custody since 16.09.2020.

On the other hand, learned counsel for the informant referring to paragraphs-25 and 26 of the case diary submits that during course of investigation the witnesses have categorically stated that the petitioner has assaulted the old father of the informant by the butt of pistol and in the postmortem report there is lacerated wound 1 ½ x ½ scalp deep occipital region. Accordingly, her submission is that it was the petitioner who assaulted the informant's father due to which he died.

This Court *vide* order dated 22.02.2022 had called for a report from the learned Sessions Judge, Muzaffarpur regarding the stage of trial and in pursuance thereof, report *vide* letter no. 139/22 dated 05.03.2022 has been received and from perusal of the same, it appears that out of fourteen charge-sheet witnesses four witnesses have been examined and cross-examined and ten



witnesses including I.O. and doctor are yet to be examined. Learned Additional Sessions Judge, Muzaffarpur in his report submits that the trial is likely to be concluded within four months.

On the other hand, learned counsel for the informant submits that according to her instruction only one witness is yet to be examined.

Regards being had to the submissions made by the parties and taking into consideration the *prima facie* material collected during course of investigation, I am not inclined to grant regular bail to the petitioner at this stage. The same is, hereby, dismissed.

Petitioner, if so advised, may renew his prayer for bail after four months from today, if the trial does not record any substantial progress.

(Anil Kumar Sinha, J)

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