

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39433 of 2021**

Arising Out of PS. Case No.-63 Year-2015 Thana- HABIBPUR District- Bhagalpur

GORKHA @ JAWED @ ABID S/o- Md. Rabbani R/o Mohalla- Khankah,
Gali, No.15, P.S.- Kasimbazar, District- Munger.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rajesh Kumar

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

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER**

3 12-04-2022 Heard Mr. Rajesh Kumar, learned counsel for the
petitioner and learned A.P.P. for the State.

Petitioner seeks regular bail in connection with Sessions Trial No. 23 of 2021 arising out of Habibpur PS Case No. 63 of 2015 registered for the offence under Sections 324 / 307 / 34 of the IPC and later on charge sheet was submitted under Sections 302 / 201 / 34 of the IPC.

The informant being the Police Officer got an information that one injured person was lying in the mango orchard, proceeded towards the place of occurrence and during the course of treatment the injured person died. A suspicion has been raised against the petitioner by wife and other witnesses that petitioner had threatened the deceased of dire consequences four (04) days prior to the date of occurrence.



Learned counsel for the petitioner submits that petitioner has been made accused on the basis of suspicion only and there is no cogent material to connect him with the present offence. He further submits that the trial of the case has commenced and some of the witnesses have been examined. The wife of the deceased and the father of the deceased have not supported the prosecution story during the course of trial. The petitioner is in custody since 30/06/2020.

This court vide its order dated 24.01.2022 has called for a report from the court below regarding the progress of the trial and in pursuance thereof learned Addl. District & Sessions Judge -V, Bhagalpur vide letter no. 10 / 2022 dated 14/02/2022 has furnished the report and from perusal of the same it appears that 04 charge sheet witnesses are yet to be examined and the learned trial court has given the estimated time for conclusion of the trial within three months.

Regard being had to the submissions made by the parties, taking into consideration the materials available on record, the fact that trial of the present case is at advanced stage and is likely to be concluded within three months, as such, I am not inclined to grant regular bail to the petitioner at this stage.

Accordingly, the prayer for grant of regular bail is



rejected.

However, the petitioner may renew his prayer for regular bail after three months from today if the trial does not conclude.

(Anil Kumar Sinha, J)

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