

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45462 of 2022

Arising Out of PS. Case No.-590 Year-2019 Thana- MANER District- Patna

Himanshu Rai @ Himanshu Kumar Son of Late Modi Rai R/O Village-
Chhitnawan, P.S.- Maner, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. N.K. Agarwal, Senior Advocate Mr. Sunil Kumar Pathak, Advocate Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s	:	Mr. Mukesh Kumar Singh, APP
For the Informant	:	Mr. Rajesh Kumar Sinha, Advocate

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

4 13-12-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Maner
P.S. Case No. 590 of 2019 registered for the offence under
Sections 147, 148, 149, 387, 307, 302, 504 and 506 of the
Indian Penal Code and under Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 04.01.2022.

The allegation against the petitioner is to commit
murder of nephew of the informant by causing fire arm injuries,



alongwith other co-accused persons, due to previous enmities arises out of land disputes.

Learned senior counsel appearing on behalf of the petitioner submitted that earlier, after investigation, the final form was submitted against this petitioner on 31.07.2020 itself vide Final Form No. 213 of 2020, where cognizance was taken by learned Trial Court vide order dated 14.10.2020 against this petitioner, and again charge-sheet submitted against this petitioner on 01.04.2022. It is submitted that without having any order, as regard to further investigation, investigation was kept open against this petitioner, which is in violation of established principle of law. It is also pointed out that one of the co-accused having similar allegation of causing fatal fire arm injuries, namely, Shyamkant Ray has already been granted bail by one of the learned Co-ordinate Bench of this Court through Cr. Misc. No. 3896 of 2022 vide order dated 26.11.2022. It is also submitted that not even a single witness has examined in this matter before the learned Trial Court and, as such, there is no chance to conclude trial in near future. While concluding the argument, it has been submitted that investigation has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.



Learned APP duly assisted by learned counsel appearing on behalf of the informant while opposing the prayer of bail submitted that the cognizance order dated 14.10.2020 stating thereof, that charge-sheet has not been submitted against this petitioner appears due to misconception of fact, whereas after complete investigation, as same was open against this petitioner, the charge-sheet has been submitted on 01.04.2022. It is also submitted that specific allegation is available against this petitioner to cause fatal fire arm injury, to cause death of nephew of the informant, who is the eye witness of the occurrence.

Considering the facts and circumstances as mentioned above, as there is specific allegation of firing against this petitioner to cause fatal injury to nephew of the informant, this Court is not inclined to grant bail to the petitioner, at present.

Accordingly, prayer of bail of the petitioner is rejected herewith.

Learned Trial Court is directed to conclude the trial within 9 months from the date of receipt of this order by taking it on board, on daily basis, if required, so as trial may conclude within specified time, as directed above.

S.S.P., Patna is directed to produced the charge-



sheeted witnesses, as and when directed by the learned Trial Court/Special Court, for expeditious disposal of trial, within aforesaid time, as directed above.

Let a copy of this order be sent to S.S.P., Patna for compliance.

(Chandra Shekhar Jha, J)

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