

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54477 of 2021

Arising Out of PS. Case No.-135 Year-2020 Thana- BAUSI District- Araria

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Rohit Kumar @ Dilip Yadav S/O Sri Durga Prasad Singh R/O Village-Kala
Balua, P.S-Raniganj, District-Araria (BIHAR).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. N. K. Agrawal, Sr. Advocate
		Mr. Saket Tiwary, Advocate
		Mr. Kumar Rajdeep, Advocate
For the Opposite Party/s :		Mr. Upendra Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 11-10-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. N. K. Agrawal, learned senior counsel for the petitioner as well as learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Bousi P.S. Case No. 135 of 2020 registered for the offences punishable under Sections 302 read with Section 34 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is based on a fardbayan of the informant alleging therein, that on 15.12.2020 he was informed on telephone that some unknown persons had shot bullet upon his father-in-law, who was subsequently taken to Sadar



Hospital, Purnea where he died. It is also stated that his father-in-law was working as a night guard.

Learned senior counsel appearing on behalf of the petitioner submits that from the FIR, it would be evident that FIR has been instituted against unknown miscreants and not even a suspicion has been raised against the petitioner. He next submits that the name of the petitioner has surfaced on the confessional statement of Amit Kumar @ Guddu Yadav and Akhilesh Kumar Yadav who were allegedly present at the place of occurrence and their statement was recorded under Section 164 of the Cr.P.C., wherein they have categorically stated that this occurrence has occurred due to accidental firing from the hands of the petitioner and the deceased has sustained fire shots and later on died. Learned senior counsel further submits that had the witnesses, whose statements have been recorded under Section 164 of the Cr.P.C., present at the place of occurrence, the name of the petitioner would have certainly mentioned in the FIR, admittedly the petitioner is not named in the FIR though the FIR has been registered after the death of the deceased. He lastly submits that the petitioner, having fair antecedent, is in custody since 18.12.2020.

On the other hand learned APP for the State



vehemently opposes the bail application.

The matter was heard at length, however, it appears that earlier vide order dated 30.08.2022, a report with regard to the present stage of the trial was called for and from the report it appears that all the charge-sheet witnesses have been examined and the learned trial Court has submitted that the trial is likely to be concluded within two months, if prosecution co-operate. Hence, this Court taking into account the final stage of the trial, is not persuaded to enlarge the petitioner on bail for present and direct the learned trial Court to dispose of the trial as early as possible, preferably within the aforesaid period of two months.

Accordingly, the present bail application stands dismissed, for present.

(Harish Kumar, J)

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