

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63340 of 2021**

Arising Out of PS. Case No.-18 Year-2019 Thana- KALYANPUR District- Samastipur

Prabhakar Gaurav @ Munna Thakur @ Munna, S/o Late Nand Kumar Thakur
@ Dhuran Thakur, R/o Village- Janardanpur, P.S.- Kalyanpur, District-
Samastipur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr.Rajkumar Rajesh, Advocate
For the State	:	Mr.Abhay Kumar, APP
For the Informant	:	Mr. Bijay Bhushan Prasad, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

5 20-09-2022 Heard learned senior counsel for the petitioner and

learned APP for the State as well as learned counsel for the

informant.

Let the defect (s), as pointed out by the office, be

removed within a period of four weeks from the date of

resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in

connection with Kalyanpur P.S. Case No. 18 of 2019 registered

for the alleged offences under Sections 302 and 120B of the

Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the husband of the informant

was fired upon by the petitioner and two other co-accused



persons with their pistols. After shooting at the husband of the informant, the petitioner and other co-accused persons along with three unknown miscreants fled away from the spot with their motorcycles. The occurrence took place in the background of land dispute. The husband of the informant succumbed to his injuries during his treatment in the hospital.

The learned senior counsel for the petitioner submits at the outset that the earlier bail petition of the petitioner was rejected by a Co-ordinate Bench of this Court vide order dated 26.04.2021 passed in Cr. Misc. No. 756 of 2021. Learned senior counsel further submits that the petitioner is in custody since 28.07.2020 and trial in this case shows hardly any progress. Learned senior counsel further submits that keeping a person in custody is inhuman if the trial is not progressing or charges have not been framed and this petitioner is in custody for more than two years. However, learned senior counsel concedes that there is no fresh ground except the fact that three co-accused persons confessed their guilt and they admitted that they fired upon the deceased and they have been granted bail. Learned senior counsel further submits that the trial has been lingering and charges are yet to be framed.

Learned APP as well as learned counsel for the



informant opposes the prayer for bail submitting that the trial could not proceed due to delaying tactics being adopted by the co-accused persons. The petitioner has been named by the informant, who is an eye-witness, for firing upon her husband and no ground has been made for grant of bail of the petitioner. Learned counsel for the informant further submits that the informant would produce all her witnesses on dates fixed and trial be taken up on day to day basis.

Having regard to the facts and circumstance and submissions made on behalf of the parties and considering the fact that there is hardly any fresh ground for grant of bail to the petitioner, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and take immediate steps for framing of charge.

The trial court is further directed to conclude the trial within a period of nine months.

(Arun Kumar Jha, J)

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