

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68536 of 2021**

Arising Out of PS. Case No.-34 Year-2021 Thana- BAKHTIYARPUR District- Patna

GAUTAM KUMAR Son of Late Anil Singh Resident of Village - Sirsi, P.S.-
Bakhtiyarpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Majid Mahboob Khan
For the State	:	Mr.Chandra Sen Prasad Singh

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 04-07-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the state.

Let the defect(s), if any, as pointed out by the office be removed within 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 Bakhtiyarpur P.S. Case No. 34 of 2021 registered for the alleged offences under Sections 354A, 354B, 326, 307 and 302 of the Indian Penal Code and Section 27 of the Arms Act.

The prosecution case is that petitioner sexually assaulted the daughter of the informant and later on shot dead the husband of the informant.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in this case due to village politics. No incriminating article has been recovered on the instance



of this petitioner. Out of the 5 witnesses in this case, 3 have turned hostile in the learned court below and one of them is eye witness Suran Singh. Learned counsel further submits that the petitioner is in custody since 12.04.2021.

Learned A.P.P. appearing for the State vehemently opposed the prayer for bail of the petitioner and submitting that there is direct allegation against the petitioner for firing upon husband of the informant causing her death.

Having regard to the submissions made hereinabove and considering the fact that there is direct and specific allegation against the petitioner for shooting the husband of the informant and causing her death and the weapon used has been recovered at his instance and as the trial has been in advanced stage, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.

The Trial Court is directed to conclude the trial expeditiously preferably within a period of three months.

However, if the trial is not concluded within the aforesaid period of three months, the petitioner will be at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

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