

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67740 of 2021**

Arising Out of PS. Case No.-563 Year-2018 Thana- BARAUNI District- Begusarai

CHHOTU KUMAR @ CHHOTU KUMAR SINGH, Son of Vijay Singh
Resident of Village- Bihat, Tola- Jalelpur, Ward No. 18, P.S.- Barauni,
District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Pushpendra Kumar Singh, Advocate
For the Opposite Party/s	:	Mr.Binod Kumar, APP
For the Informant	:	Mr. Amar Kumar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 19-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 Sessions Trial No. 354 of 2021 arising out of Barauni(F.C.I. O.P.) P.S. Case No. 563 of 2018 registered for the alleged offences under Sections 302, 386 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

As per prosecution case, the son of the informant was shot dead by the petitioner and co-accused persons for not acceding to their demand of extortion.



Learned counsel for the petitioner submits that petitioner is innocent and has been falsely implicated in this case. The F.I.R. has been registered after much delay for the occurrence took place at 21.30 hours on 23.11.2018 but the written report was given by the informant at 23.30 hours on 24.11.2018. The informant has named the petitioner on disclosure of the deceased and he is not an eye witness. The deceased was never treated in the private hospital as alleged and moreover, he was not in a position to say anything since he was unconscious. The police has also not recorded the statement of the deceased because he was unconscious. The police reached the place of the occurrence at 9.45 P.M. on the same day i.e. 23.11.2018 but no fardbeyan was recorded or any written report was filed. Charge sheet has been submitted in this case and the petitioner is in custody since 13.05.2019. Learned counsel further submits that as per his instruction, charges have not been framed against the petitioner.

Learned APP for the State as well as learned counsel appearing on behalf of the informant oppose the prayer for bail of the petitioner submitting that there is specific allegation against this petitioner that he and co-accused fired upon the son of the informant and injuries mentioned in the post mortem report supports the prosecution case. Learned counsel for the informant further submits that witnesses examined in paragraph 9, 10, 11 and



12 have also supported the prosecution case. Learned counsel further submits that the bail petition of the co-accused Champak Jha has been rejected thrice by a Coordinate Bench and allegation against the petitioner and the said co-accused are similar.

Having regard to the fact and circumstances and considering the specific nature of allegation against this petitioner based on the statement made by the deceased regarding firing made by this petitioner, I am not inclined to enlarge the petitioner on bail.

Accordingly, his prayer for grant of bail is rejected.

The learned trial court is directed to expedite the trial and conclude the same within a year.

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

(Arun Kumar Jha, J)

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