

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.301 of 2022

Arising Out of PS. Case No.-1177 Year-2018 Thana- SONEPUR District- Saran

PRAMOD KUMAR @ PRAMOD RAI (Male), aged about 29 years, Son of Birendra Prasad Rai, Resident of Village- Bhinki Tola, Dhudhaura Krishi Farm, P.S.- Sonepur, District- Saran.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner	:	Mr. Radha Mohan Singh, Advocate
For the Informant	:	Mr. Krishna Kumar Yadav, Advocate
For the State	:	Mr. Akshay Lal Pandit, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 23-02-2022 Heard learned counsels for the petitioner, informant and learned counsel for the State.

The petitioner is languishing in custody since 03.01.2019 in a case registered for the offence under Sections 147, 148, 149, 447, 341, 323, 307, 302, 504 and 109 of the I.P.C. and Section 27 of the Arms Act.

Learned counsel for the petitioner is directed to remove the defects, as pointed out by the office, within a period of four weeks.

The prosecution story, in brief, is that on 04.12.2018 at about 2.00 P.M., the informant and his brother, namely, Rakesh Kumar alongwith his cousin brother, namely, Upendra Rai, were ploughing his field with the Tractor, in the meantime,



all accused persons including the petitioner came there with weapons and started abusing them, upon which, they made protest. Thereafter, all the accused persons assaulted them with *Iron rod* and *Danda*. The informant and others tried to save themselves, but in the meantime, co-accused Sita Ram Rai, Baliram Rai and Satyadev Rai ordered to kill them. Upon which, co-accused Vivek Rai caught the hand and waist of Rakesh Kumar and Pramod Rai (petitioner) fired with pistol on the head of the informant's brother, namely, Rakesh Kumar, as a result of which, he sustained injury. Rakesh Kumar was admitted in Referral Hospital, Sonapur, wherefrom he was referred to P.M.C.H., Patna, but on the way, he died.

Earlier the bail applications of the petitioner were rejected vide Cr. Misc. No. 74106 of 2019 under order dated 11.12.2019 by the then Co-ordinate Bench of this Court and Cr. Misc. No. 37120 of 2020 under order dated 03.03.2021 by a Bench of this Court taking into account that the petitioner is the assailant.

A report was called for from the court below regarding the present stage of the case. It has been reported that two prosecution witnesses have already been examined in the present case.



Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Sessions Trial No. 300 of 2021, arising out of Sonapur P.S. Case No. 1177 of 2018, pending in the court of learned VIIIth Additional Sessions Judge, Saran at Chapra.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of six months from the date of receipt/production of copy of this order.

The District Magistrate and the Superintendent of Police, Saran at Chapra, are directed to ensure that the prosecution witnesses are produced on the fixed date in the court below so that the trial could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate and the Superintendent of Police, Saran at Chapra.

(Sudhir Singh, J)

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