

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.30743 of 2023

Arising Out of PS. Case No.-85 Year-2020 Thana- BIRPUR District- Supaul

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JAGDISH KORGIYA @ JAGDISH KOROGIYA @ JAGDISH YADAV SON
OF LATE SITARAM KORGIYA Resident of Village- Bauraha, Ward No. 07,
P.S.-Birpur, District-Supaul

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Arvind Kumar

For the Opposite Party/s : Mr.Dashrath Mehta

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 25-08-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.Tr.
No. 205 of 2020 arising out of Birpur P.S. Case No. 85 of 2020
registered for the offences punishable under Sections 341, 342, 307,
302, 120(B) , 379/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. As per prosecution case, there is accusation against
the petitioner to have made indiscriminate firing upon the informant's
husband by pistol.

4. Learned counsel for the petitioner submits that on
27.09.2022 the bail of the present petitioner has already been rejected
by this Court vide Cr. Misc. No. 21587 of 2022 with an observation
that petitioner may renew prayer of bail after six months from the



date of receipt/production copy of this order to the court concerned, if there is no substantial progress in the proceeding of trial within the stipulated period. Learned counsel for the petitioner submits that petitioner is in custody since 13.01.2022 and bears criminal antecedent of one case. He further submits that petitioner has falsely been implicated in this case due to political rivalry. He further submits that petitioner is not assailant of the deceased. Informant is not an eye witness of the alleged occurrence. Nothing has been recovered from the person or possession of the petitioner. Learned counsel for the first time submits that bail prayer of co-accused, Manish Kumar, upon whom there is allegation that he has killed the deceased, has been rejected by the co-ordinate Bench of this Court on 02.09.2021 vide Cr. Misc. No. 3928 of 2021 with an observation that petitioner may renew his prayer for bail after framing of charge. Later on vide order dated 15.12.2021, co-accused Manish Kumar has been granted bail by the co-ordinate Bench of this Court as charge has been framed.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner was rejected on merit vide order dated 27.09.2022 passed in Cr. Misc. No. 21587 of 2022. He further submits that there is specific allegation of firing against the petitioner and the same is supported and corroborated by injury report of the victim.



6.A report regarding stage of trial has been called for vide order dated 21.06.2023. The trial court vide letter no. 22/2023 dated 06.07.2023 has sent its report which reveals that out of 27 charge-sheet witnesses, 8 witnesses have been examined and rest 19 witnesses are yet to be examined. The aforesaid report further reveals that the trial court has sought six months time for concluding the trial.

7. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. .However, trial court is directed to conclude the trial within five months from the date of receipt/production of copy of this order and if the trial is not concluded within five months, petitioner may renew the prayer for bail.

(Alok Kumar Pandey, J)

vashudha/-

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