

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33275 of 2023**

Arising Out of PS. Case No.-194 Year-2020 Thana- SAMASTIPUR District- Samastipur

Chandeshwar Das @ Chandrasekhar Das @ Babaji @ Baba Jee S/O Anandi
Das R/O Village- Bhamrupur, P.S- Muffasil, Distt.- Samastipur.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No1, Advocate
For the Opposite Party/s : Mr.Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

5 26-07-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 102 of 2021, arising out of Samastipur Town P.S. Case No. 194 o 2020, registered on 28.09.2020 for the alleged offences under Sections 302,506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. This is the second attempt of the petitioner to seek bail from this Court. Earlier his prayer for bail was rejected by this Court vide order dated 01.08.2022 passed in Cr. Misc. No. 60942 of 2021.

4. As per prosecution case, the son of the informant



was shot dead by a large number of miscreants. The allegation against the petitioner is that he was brandishing firearm after the son of the informant shot dead.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. There is no specific allegation of firing against this petitioner and the allegation of firing is against four persons and altogether 9 persons have been made accused in this case. Learned counsel further submits that after rejection of prayer for bail of this petitioner vide order dated 01.08.2022 passed in Cr. Misc. No. 60942 of 2021, two co-accused persons have been granted bail by Co-ordinate Bench. The evidence of only one prosecution witness has been recorded before the learned trial court, the informant of this case, who has not specifically named this petitioner for firing upon her son. Learned counsel further submits that the petitioner is having criminal antecedent of 8 cases but he is on bail in all such cases. The petitioner is in custody since 04.10.2020.

6. Learned APP vehemently opposes the submission made on behalf of the petitioner. Learned APP submits that no new fact has been brought on record to consider the prayer for bail of the petitioner afresh. Learned



APP further submits that the informant has named 9 persons including the petitioner, who were involved in the murder of the son of the informant, and has also deposed that 4 of them have fired upon her son. Altogether 11 injuries of firearm were found on the body of deceased and 6 bullets were extracted from the body. Learned APP further submits that the case of the petitioner is not similar to the other co-accused persons who have been granted bail by Co-ordinate Bench.

7. Having considered the submissions made on behalf of the parties, I do not find any fresh material to consider the prayer for bail of the petitioner and accordingly, the prayer for bail of the petitioner is rejected.

8. However, learned trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

(Arun Kumar Jha, J)

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