

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34986 of 2023

Arising Out of PS. Case No.-107 Year-2019 Thana- MOUZA HIDPUR District- Bhagalpur

Prince Kumar S/O Munna Bhagat @ Munna Kumar Bhagat R/O Mohalla-
Ganga Vihar Colony, P.S- Mojahidpur, Distt.- Bhagalpur.

... .. Petitioner/s

Versus

THE STATE OF BIHAR.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Kamlesh Kumar Pathak, Advocate
For the Informant	:	Mr. Shashwat, Advocate
For the Opposite Party/s	:	Mr. Ramchandra Sahni, A.P.P.

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 12-09-2023 Heard learned counsel for the petitioner, learned counsel for the informant and learned Additional Public Prosecutor for the State.

2. Petitioner seeks bail, who is in custody since 20.04.2019 in connection with Mojahidpur (Babarganj) P.S. Case No. 107 of 2019, F.I.R. dated 19.04.2019 for the offences punishable under Sections 307, 457, 326(A) and 34 of the Indian Penal Code and Section 25(1-b)A, 26 and 36 of the Arms Act and later on Sections 341, 354, 380, 359 and 302 of the Indian Penal Code & Section 12 of POCSO Act was added.

3. According to prosecution case, as per FIR is that petitioner along with his associate threw acid on the body of informant's daughter, due to which she sustained



injury and while fleeing away accused persons left the pistol and other articles.

4. Earlier the petitioner has moved two time bail applications but the same have been rejected vide order dated 26.02.2020 passed in Cr. Misc. No.81967 of 2019 and order dated 20.01.2021 passed in Cr. Misc. No. 29473 of 2020. While rejecting the bail application of the petitioner vide order dated 20.01.2021 the co-ordinate Bench of this Hon'ble Court directed the learned trial court to conclude the trial within a period of six months failing which the petitioner would be at liberty to renew prayer for bail before the court below itself and learned court below is directed to pass necessary order in accordance with law.

5. Pursuant to the order dated 20.01.2021, no substantial progress in trial in the present case, than the petitioner has moved before the learned Additional District and Sessions Judge-VIth, Bhagalpur for grant of regular bail but the same has been rejected vide order dated 15.04.2023 and thereafter, the petitioner has filed present case for grant of regular bail in the present matter.

6. Pursuant to the order dated 24.06.2023, a counter affidavit has been filed on behalf of the State, stating therein



that letter of the Senior Superintendent of Police, Bhagalpur dated 01.09.2023 reveals that all together thirteen prosecution witnesses have already been examined and case is pending for examination of the three official prosecution witnesses i.e. Doctor who is presently in AIIMS, Rai Bareilly (Uttar Pradesh) and two retired A.S.I.

7. Considering the aforesaid facts and circumstances, there is direct and specific allegation against the petitioner and in view of the report of the Senior Superintendent of Police, Bhagalpur, I am not inclined to enlarge the petitioner on bail in connection with Mojahidpur (Babarganj) P.S. Case No.107 of 2019, corresponding to Special POCSO Case No.60 of 2019 pending in the court of learned Addition District and Sessions Judge-VI-cum-Exclusive Special Judge, POCSO, Bhagalpur.

8. Prayer is refused.

9. However, the learned Trial Court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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