

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38684 of 2023

Arising Out of PS. Case No.-10 Year-2022 Thana- CHAINPUR District- Kaimur (Bhabua)

RAHUL KUMAR SINGH @ MADHUKAR Son of Late Raghwendra
Narayan Singh Resident of village - Malik Sarai, P.S. - Chainpur, Distt. -
Kaimur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rakesh Kumar Mishra, Advocate

For the Informant/s : Mr. Mithilesh Kumar Singh, Advocate

For the Opposite Party/s : Mr. Dinesh Singh, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 2 05-07-2023 1. Heard learned counsel for the petitioner,

learned counsel for the Informant and learned APP for the State.
2. Petitioner seeks regular bail in connection

with Sessions Trial No.475 of 2022 arising out of Chainpur P.S.

Case No.10 of 2022 dated 12.01.2022 registered for the

offence(s) punishable under Section(s) 302 and 120(B) of the

Indian Penal Code.
3. This is second attempt of the petitioner for

the relief of regular bail after his earlier prayer for the same

relief was rejected by this Bench vide order dated 16.11.2022

passed in Cr. Misc. No.39855 of 2022 preferred by this

petitioner and now the petitioner has come again for the same

relief mainly on the ground of liberty given to him in the earlier

rejection order.



4. As per the allegation, the informant's son (now deceased) Sagar Anand Pandey was murdered by some unknown persons and the dead body was found at the deceased's rented house.

5. The fresh grounds taken by the petitioner in the present petition are that no significant progress in the trial of the petitioner has taken place and only two prosecution witnesses out of 12 chargesheet witnesses have been examined so far despite the charges having been framed upon the petitioner on 24th April, 2023 which shows the prosecution's slowness in producing and examining the prosecution witnesses and in view of the number of prosecution witnesses who are yet to be examined, it will take a considerable time in the conclusion of the petitioner's trial and moreover there is no direct evidence against this petitioner and he has come before this Court in view of the liberty given to him by this Court in the order dated 16.11.2022 by which the petitioner's earlier prayer was rejected and admittedly the informant is not the eye witness of the alleged crime.

6. Learned counsel appearing for the Informant has vehemently opposed the bail prayer and submitted that after the rejection of petitioner's earlier prayer, significant progress has been made in his case as charges have been framed upon the



petitioner on 24.04.2023 and thereafter two prosecution witnesses have also been examined so it cannot be said that prosecution is not taking interest in concluding the petitioner's trial.

7. Learned APP appearing for the State also opposes the bail prayer.

8. Heard both the sides. As the petitioner's trial has started and the charges have been framed upon him and two prosecution witnesses have also been examined in his trial, so it does not appear that there is a lingering attitude on the part of the prosecution to complete the petitioner's trial. Considering the seriousness of the accusation as well as allegation appearing against this petitioner, in my opinion in the present time it is not a fit case for bail to the petitioner at this stage. Accordingly, his bail prayer stands rejected.

9. The Trial Court is directed to expedite the petitioner's trial and take steps to conclude the same within next six months, if the petitioner's trial is not concluded in the said period then the petitioner may renew his bail prayer.

(Shailendra Singh, J)

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