

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51942 of 2023

Arising Out of PS. Case No.-678 Year-2021 Thana- ARA NAGAR District- Bhojpur

Chetan @ Chetan Kumar Rai @ Chetan Rai Son Of Late Panchanand Rai
Resident Of Mohalla Laxmi Charan Ka Hata P.S. Ara Nawada District
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Manoj Kumar, Advocate
For the Opposite Party/s	:	Mr. Anil Prasad Singh, APP
For the Informant	:	Mr. Madanjeet Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 03-11-2023 Heard Mr. Manoj Kumar, learned counsel appearing
on behalf of the petitioner, Mr. Madanjeet Kumar, learned
counsel for the informant and the learned APP for the State.

2. This is the second attempt made on behalf of the
petitioner as earlier, the prayer for bail of the petitioner was
rejected by this Court vide order dated 20.09.2022 in Cr. Misc.
No. 8066 of 2022, taking into consideration the specific nature
of accusation levelled against the petitioner that he along with
others fired upon the father of the informant causing his death,
which fact has also been corroborated by the post-mortem
report, suggesting the deceased has sustained 11 firearm injuries
over his body. That apart, the petitioner bears two criminal
antecedent, besides the present one.



3. Submission has been made on behalf of the petitioner that apart from the submissions which has been made at the time of earlier round of application, it is also the fact that the statement of the informant was recorded under Section 164 Cr.P.C. , wherein, he has not made allegation of any overt act against the petitioner. That apart, the informant was also examined during the course of trial and even in his deposition, he has not substantiated the allegation levelled in the FIR. He lastly submits that the petitioner has been incarcerated since 04.10.2021.

4. On the other hand, learned APP for the State as well as the informant vehemently opposes the bail application and submits that since the prayer of the petitioner has already been negatived on the last occasion on merit and there is no overwhelming circumstances and cogent reason for re-consideration, that too, when the trial is at the last stage. They further submitted that as per their instruction all the witnesses except the Investigating Officer of the case has been examined.

5. Considering the submissions made on behalf of the parties and taking note of the fact that the trial is at the fag end and is likely to be concluded in a short period of time, this Court is not persuaded to enlarge the petitioner on bail. However, it is



made clear that the learned trial Court shall take all the endeavours to conclude the trial, as early as possible, preferably within a period of three months, failing which the petitioner is at liberty to renew his prayer for bail before this Court.

6. Accordingly, the present bail application stands rejected.

(Harish Kumar, J)

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