

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46642 of 2023

Arising Out of PS. Case No.-238 Year-2021 Thana- MADHAURAH District- Saran

UDAY SINGH @ UDAY PRATAP SINGH SON OF RAGHUBIR SINGH
VILLAGE TALPURAINA PS MARHOWRAH DISTRICT SARAN
CHAPRA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Rakesh Kumar Sharma, Adv. Mr. Arun Kumar Pandey, Adv.
For the Informant	:	Mr. Udai Shankar Singh, Adv.
For the State	:	Mr.Anuj Kumar Shrivastava, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 13-10-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions
Trial No. 36 of 2022 arising out of Marhowrah P.S. Case No. 238 of
2021 registered for the offences punishable under Section 302 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 committed the murder of informant's son by
firing.

4. Learned counsel for the petitioner submits that the
bail of the present petitioner has already been rejected by this Court
vide Cr. Misc. No. 59398 of 2021 on 27.09.2022 with an observation
that learned trial court is directed to conclude the trial within eight



months from the date of receipt/production of copy of this order to the court concerned. If the trial is not concluded within the stipulated period, petitioner may renew his prayer of bail. He further submits that the present bail petition of the petitioner has been filed after near about ten months from the earlier date of rejection of the bail prayer of the petitioner. Learned counsel for the petitioner submits that petitioner is in custody since 24.07.2021 and bears criminal antecedent of three cases. He further submits that the delay of trial is not attributable to the petitioner as he is in custody since 24.07.2021.

5. The learned A.P.P. for the State as well as the learned counsel for the informant vehemently opposes the prayer for bail of the petitioner and submit that earlier bail for the petitioner was rejected on merit vide order dated 27.09.2022 passed in Cr. Misc. No. 59398 of 2021. They further submit that all the prosecution witnesses have already been examined except the doctor who is yet to be examined.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 358 dated 04.09.2023 has sent its report which reveals that five witnesses have already been examined on behalf of the prosecution. The aforesaid report further reflects that the trial court has sought four 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, if the trial is not concluded within three months, petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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