

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50614 of 2023

Arising Out of PS. Case No.-73 Year-2020 Thana- NOWKOTHI GARHPURA District-
Begusarai

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Krishna Kumar @ Kishan, Son of Ashok Mahto, Resident of Village -
Parihara, P.S.- Parihara (O.P.), District - Begusarai (Bihar).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Nakul Kumar Jamuar, Advocate
For the Opposite Party/s : Md. Fahimuddin, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 25-08-2023 Vide order dated 24.08.2022 passed in Cr. Misc. No.

64973 of 2021, the bail of the petitioner was rejected and the

learned trial court was directed to conclude the trial within nine

months.

2. In compliance of order dated 02.08.2023, a report
dated 14.08.2023 has been received from the court of learned
Additional District and Sessions Judge-II, Begusarai, wherein,
he has submitted that out of total 8 witnesses, 4 witnesses have
been examined. Learned trial court further submitted that trial of
the petitioner has been separated after death of co-accused Sonu
Kumar Jha. The learned trial court sought further time of six
months for conclusion of trial.

3. In the present case, the petitioner seeks bail in



connection with Nawkothe P.S. Case No. 73 of 2020 registered for the alleged offences under Sections 302, 307, 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per prosecution case, petitioner fired upon the father of the informant causing injury to him. Other co-accused persons fired upon the mother of the informant who succumbed to her injury. The occurrence took place as the petitioner and other co-accused persons forcibly tried to take away the father of the informant.

5. The learned counsel for the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court. The petitioner is in custody since 06.10.2020 and he is the sole earning member of his family and his family is on the verge of starvation. Learned counsel further submits that only allegation against the petitioner is that he made attempt on the life of the father of the informant though there was no such intention. The allegation of causing injury to the mother of the informant is against co-accused who is already in custody. Only four witnesses have been examined in this case and there is no likelihood of conclusion of trial in near future. Petitioner is having criminal antecedent of three cases but he is on bail in all those cases. Earlier this Court directed the learned trial court to



conclude the trial within nine months but even after lapse of one year, trial has not been concluded.

6. Learned APP opposes the prayer for bail submitting that no fresh ground has brought on record to re-consider the prayer for bail of the petitioner.

7. Having regard to the facts and circumstances and submissions made on behalf of the parties and considering the likelihood of delay in conclusion of trial in the light of report of the learned trial court, the petitioner above named is directed to be released on bail on furnishing bail bond of Rs. 20,000/- (twenty thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate, 1st Class, Begusarai/ court concerned in connection with Nawkothi P.S. Case No. 73 of 2020, subject to the conditions mentioned in Section 437(3) of the Code of Criminal Procedure and also the following conditions :

- (i) One of the bailors will be a close relative of the petitioner.
- (ii) The petitioner will remain present on each and every date fixed by the court below.
- (iii) In case of absence on three consecutive dates or in violation of the terms of the bail, the bail



bond of the petitioner will be liable to be
cancelled by the court concerned.

(Arun Kumar Jha, J)

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