

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.57608 of 2021

Arising Out of PS. Case No.-92 Year-2019 Thana- GHORASAHAN District- East
Champaran

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Suman Saurabh Son of Rakesh Jha Resident of Village - Telhara Kala, P.S.-
Kundwa Chainpur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Karandeep Kumar, Adv
For the Opposite Party/s : Mr. Shailendra Kumar Singh, APP

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CORAM: HONOURABLE MR. JUSTICE MADHURESH PRASAD
ORAL ORDER

11 18-01-2023 Heard learned counsel for the petitioner and learned APP for
the State.

This Court would expect that the petitioner's Counsel would
honour his undertaking in the instant proceedings regarding supply of
requisite court fee etc. within two weeks from the date he is called
upon to do so by the office.

Petitioner seeks bail in connection with Ghorasahan P.S. Case
No. 92 of 2019 registered under Sections 302, 120(B) and 34 of the
Indian Penal Code.

The informant alleged that petitioner along with others has
come on motorcycle. They have fired upon his brother and the same
has resulted in his killing.

Learned counsel for the petitioner submits that there is general
and omnibus allegation and there is no eye-witness to the occurrence.



He further submits that in the investigation also, none has supported prosecution case. The petitioner is in custody since 24.04.2019 and co-accused Awadhesh Sah, similarly situated as the petitioner, has been granted bail in Cr. Misc. No. 51269 of 2021.

Learned APP has opposed the prayer for bail.

The Court has considered the rival submissions. The petitioner has disclosed that he is accused in 23 cases altogether, out of which, he has been acquitted in 4 cases. The petitioner's claim is also based on parity with the Awadhesh Sah. In the Court's opinion petitioner is not entitled to parity, since the fatal gun-shot injury is attributed to the petitioner.

Having regard to the nature of allegations, along with the antecedents of the petitioner, this Court, for the present, is not inclined to allow petitioner's prayer for bail. The same is dismissed.

Having regard to the period of custody, however, this Court would observe that the trial court would be required to expedite the trial with a view to its conclusion.

Let the trial court proceed without granting any undue adjournment with a view to its final disposal.

(Madhuresh Prasad, J)

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