

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48077 of 2023

Arising Out of PS. Case No.-88 Year-2020 Thana- SHRIKRISHNAPURI District- Patna

SURAJ RAI @ SURAJ KUMAR Son of Devendra Rai Resident of Village-
Jawahar Colony Road No.-4, Postal Park, P.S.-Kankarbagh, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate
		Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP
For the Informant	:	Mr. Aaruni Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

- 2 26-07-2023 1. Heard learned counsel for the petitioner, learned counsel for the informant and learned A.P.P. for the State.
2. This is the third attempt of the petitioner to seek bail in connection with Sessions Trial No. 515 of 2022 arising out of Shrikrishnapuri P.S. Case No. 88 of 2020 registered for the offences punishable under Sections 302 and 120(B) of the Indian Penal Code read with Section 27 of the Arms Act.
3. Learned counsel for the petitioner submits that the petitioner is alleged to be the main assailant identified by the informant whose father was killed. Learned counsel further submits that petitioner is in custody since 10.06.2020 and despite charges having been framed, till date not a single witness has been examined. It is further submitted that the



charges were framed on 22.12.2022 and thereafter the summons were issued and the case was taken up on 7-8 days but no prosecution witnesses appeared. Learned counsel next submits that no doubt petitioner is alleged to be the main assailant but then allegations are in realm of allegations and it has to be tested in a duly constituted trial and in the event of acquittal of the petitioner, how his period of incarceration be compensated.

4. This strikes the Court.

5. Learned A.P.P. for the State and the learned counsel for the informant oppose the prayer for bail of the petitioner and the learned counsel for the informant submits that the witnesses now will appear on each and every date and recently the case also has been transferred to a different court.

6. The Court, for the present, is not inclined to release the petitioner on bail but then incarceration of an accused cannot be for unlimited period.

7. In the event, if the trial is not concluded within a period of one year from the date of receipt/production of a copy of this order, the petitioner would be at liberty to renew his prayer for bail before the learned trial court itself and in the event, if the learned trial court comes to a conclusion that for no fault of the petitioner, the trial was not delayed, in that event, the



learned trial court shall pass orders in accordance with law.

8. The petitioner’s prayer for bail is thus rejected.

(Satyavrat Verma, J)

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