

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51797 of 2023

Arising Out of PS. Case No.-466 Year-2020 Thana- MINAPUR District- Muzaffarpur

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Subhash Kumar Son Of Sri Laxminarayan Rai Resident of Village Chatursi,
P.S- Siwaipatti, District - Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Patanjali Rishi, Advocate

For the Opposite Party/s : Mr.Ajay Kumar Jha, APP

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CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 15-09-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 347 of 2022, arising out of Minapur P.S. Case No. 466 of 2020, registered on 14.12.2020 for the alleged offence under Sections 302, 12(B)/34 of the Indian Penal Code.

3. This is the second attempt of the petitioner to seek bail from this Court as his prayer for bail was earlier rejected vide order dated 13.09.2022 passed in Cr. Misc. No. 67020 of 2021 and other analogous cases.



4. As per prosecution case, the petitioner and other co-accused persons surrounded the husband of the informant and shot dead her husband.

5. Learned counsel for the petitioner submits that the petitioner is in custody since 29.06.2021 and the trial is still at the stage of prosecution evidence. Learned counsel further submits that the allegation against the petitioner is false and concocted and the informant, though she claimed to be an eye witness, is apparently not an eye witness. The prosecution case is not believable as no motive has been assigned against the petitioner. The FIR was not was registered just after the occurrence. The informant has taken time for registration of FIR and this raises suspicion against the petitioner and it appears from the fact narrated by the informant that the present FIR has been lodged after due deliberation and concoction for the property and money. The allegation against large number of co-accused persons have not been found true during investigation.

6. Learned APP opposes the submission made on behalf of the petitioner. Learned APP submits that vide a detailed order the prayer for bail of the petitioner was earlier rejected and there is no change in the circumstances to consider the prayer for bail of the petitioner by this Court.



7. Perused the records.

8. A report was called for from the learned trial court vide order dated 16.08.2023 about the present stage of trial and also the reasons for delay in conclusion of the trial. The report dated 21.08.2023 has been received in which the learned trial court submitted that there are 12 charge sheet witnesses in this case but till the date of sending the report, only 5 prosecution witnesses have been examined, who have also supported the prosecution case. Learned trial court has further sought time of six months for concluding the trial. Learned trial court has also submitted that co-accused Krishna Murari Kumar has fled away from S.K.M.C.H., Muzaffarpur where he was under going treatment while in judicial custody and trial court has separated the trial of co-accused Krishna Murari Kumar after the present P.O. took charge on 09.06.2023.

9. Having considered the submissions made on behalf of the parties and considering the facts and circumstances of the case, I am not inclined to reconsider the prayer for bail of the petitioner since there is specific allegation against the petitioner and the witnesses examined so far have supported the prosecution case.

10. Accordingly, the prayer for bail of the petitioner is



rejected.

11. Learned trial court is directed to take further steps and conclude the trial within the time period of six months as sought by it.

(Arun Kumar Jha, J)

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