

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61418 of 2022

Arising Out of PS. Case No.-173 Year-2018 Thana- MATIHANI District- Begusarai

DAULAT KUMAR @ DAULAT KUNWAR Son of Pankaj Kunwar R/V-
Shankarpur Bakhadda, P.S- Matihani, Dist- Begusarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. S.K.Lal, Advocate
		Mr. Chandan Kumar Kashyap, Advocate
For the Informant	:	Mr. Apurva Kumar, Advocate
For the State	:	Mr. Ram Sumiran Rai, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 05-04-2023 Heard learned counsel for the petitioner, learned
counsel for the State and learned counsel for the informant.

The petitioner has renewed his prayer for bail in connection with Matihani P.S. Case no.173 of 2018 registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

As per the allegation in the F.I.R., the petitioner and two others are said to have fired with a pistol on the father of the informant, seriously injuring him resulting in his death.

Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 2.2.2021 passed in Cr. Misc. no.29444 of 2020. The petitioner having remained all along in custody since 30.1.2019, he has not been able to defend himself in course of trial. It is



submitted that all the prosecution witnesses have been examined so there is no chance of any tampering of evidence or influencing any witness. One opportunity may be granted to the petitioner to bring the witness to defend himself and doing effective pairvi in the case. The petitioner undertakes to cooperate in the trial.

The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is one of the assailants of the deceased, he is named in the F.I.R. and the prosecution witnesses in course of trial have also supported the case against him.

Having heard learned counsel for the parties and taking into consideration the submission made that the prosecution witnesses have since been examined together with the allegation against the petitioner, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial.

(Partha Sarthy, J)

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