

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60513 of 2023

Arising Out of PS. Case No.-31 Year-2020 Thana- MAHINDWARA District- Sitamarhi

ABHISHEK KUMAR Son of Ram Vinod Ray @ Vinod Ray R/o vill -
Sugridih, P.S. - Mahindwara, Distt. - Sitamarhi

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Birendra Kumar, Advocate

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

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 03-11-2023

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.104 of 2020 (arising out of Mahindwara P.S Case no. 31 of 2020) registered under sections 307, 120B and 34 of the Indian Penal Code and sections 25(1-B)(a) and 27 of the Arms Act.

3. As per the prosecution case, the petitioner is said to have fired on the informant hitting him in his back.

4. The earlier applications for bail of the petitioner were rejected vide orders dated 4.2.2021 passed in Cr. Misc. no.32832 of 2020, dated 24.11.2021 passed in Cr. Misc. no.48205 of 2021 and dated 20.7.2022 passed in Cr. Misc. no.19294 of 2022 (Annexure-P1 series).

5. Learned counsel for the petitioner submits that in spite of the petitioner being in custody since 16.4.2020, the



trial has not concluded nor is there any chance of the same concluding for the reason that as would be evident from the order of the learned trial Court rejecting the application for bail of the petitioner, the Court of learned Additional Sessions Judge XI, Sitamarhi has become vacant from 1.8.2023.

6. The prayer for bail is opposed by learned A.P.P for the State.

7. From perusal of the records as also the report dated 6.10.2023 received from the learned trial Court, it transpires that the trial in the learned trial Court is near conclusion and the case was fixed for judgment on 9.8.2023 but in the meantime the Court became vacant.

8. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R together with the trial nearing conclusion, the court is not inclined to enlarge the petitioner on bail and the application is rejected.

9. In view of the fact that the trial could not conclude inspite of being fixed for judgment on 9.8.2023, only for the reason that the Court concerned became vacant from 1.8.2023, liberty is granted to the petitioner to move before the learned Sessions Judge, Sitamarhi for transferring/listing the trial before



the Court which is available.

10. As and when the petitioner moves such a petition before the learned Sessions Judge, it is expected that appropriate orders will be passed by the learned Sessions Judge without any delay and the trial is concluded.

(Partha Sarthy, J)

Shiv/-

U		T	
---	--	---	--

