

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64554 of 2023

Arising Out of PS. Case No.-46 Year-2019 Thana- WARISNAGAR District- Samastipur

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MOHAN KUMAR SINGH S/O PRAMOD KUMAR SINGH R/O
VILLAGE- BALAHI, SATMALPUR, P.S- WARIS NAGAR, DISTT.-
SAMASTIPUR.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Thakur Brajesh Singh
For the Opposite Party/s : Mr.Choubey Jawahar

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions
Waris Nagar P.S. Case No. 46 of 2019 registered for the offences
punishable under Section 302, 34 of the Indian Penal Code.

3. As per prosecution case, petitioner and others having
armed with lathi, danda and other weapons surrounded the
informant's brother and began to assault. There is accusation against
the petitioner to have assaulted the informant's brother behind the
back of the head by sharp cutting weapon as a result of which victim
sustained injury and died on account of head injury.

4. Learned counsel for the petitioner submits that
petitioner is languishing in custody since 13.07.2021 which is more
two years and bears criminal antecedent of two cases in which he is



on bail. Charge sheet submitted in the case and there is no likelihood of tempering with the prosecution evidence. Learned counsel for the petitioner submits the bail of the present petitioner has already been rejected by this Court Vide Cr. Misc. 65314 of 2021 on 31.08.2022 with an observation that the learned trial court is directed to conclude the trial as early as possible preferably within one year. He further submits that bail prayer of the present petitioner has been filed after one year since the date of rejection of his earlier bail prayer as the same has not been concluded within one year. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 13.07.2021.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that the bail of the present petitioner has already been rejected on merit and there is no other reason of granting bail to the petitioner.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 117 dated 11.10.2023 has sent its report in which reveals that out of seven chargesheeted witnesses, four witnesses have been examined and the trial is likely to be concluded within three months.

7. Considering the facts and circumstances of the case, arguments advanced on behalf of both sides, material available on record as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner



is hereby rejected.

8. However, trial court is directed to conclude the trial
as early as possible.

(Alok Kumar Pandey, J)

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