

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.68459 of 2022**

Arising Out of PS. Case No.-359 Year-2015 Thana- AMARPUR District- Banka

PAPPU PANJIYARA @ PRABHAT PANJIYARA S/o Late Jagdish Panjiyara  
R/v- Nagardih, P.S.- Fullidumar, District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                            |
|--------------------------|---|----------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Yogesh Chandra Verma, Sr. Advocate<br>Mr. Brij Nandad Prasad, Advocate |
| For the Opposite Party/s | : | Mr. Umeshanand Pandit, APP                                                 |

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      22-02-2023      Heard learned counsel for the parties.

The petitioner has renewed his prayer for bail in a case under section 302 and other sections of the Indian Penal Code and section 27 of the Arms Act.

As per the prosecution case, the petitioner is said to have fired from his country made revolver hitting the grand father of the informant in his temple and the allegations are substantiated from the contents of the postmortem report.

Learned Senior counsel appearing for the petitioner submits that the earlier application for bail of the petitioner was rejected vide order dated 22.11.2021 (Annexure-1) passed in Cr. Misc. no.12448 of 2021 directing the learned trial Court to expedite the trial, however, not a single witness has been



examined on behalf of the prosecution. Thus there is no chance of the trial concluding in near future. The petitioner has remained in custody for more than 3 years since 30.8.2019.

Heard learned A.P.P. for the State.

A report was called for from the learned trial Court. As per the report received contained in letter no. 392 dated 20.12.2022 from the learned Chief Judicial Magistrate, Banka, it transpires that as a result of some of the accused persons absconding, the trial could not be proceed and now the trial of the petitioner and others have been split. The case has been committed to the Court of Sessions.

Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner, the court is not inclined to enlarge the petitioner on bail and the application is rejected.

However, in view of the period in custody, liberty is granted to the petitioner to renew his prayer for bail, if there is no substantial progress in the trial, in six months.

**(Partha Sarthy, J)**

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