

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69077 of 2023

Arising Out of PS. Case No.-152 Year-2021 Thana- KISHANPUR District- Supaul

HEERA JHA @ BANA JHA @ BANA KUMAR JHA @ BANA @ HIRA
KUMAR JHA SON OF SUBHASH JHA VILLAGE- AGUAR (ABHUAR),
WARD NO. 02, PS- KISHANPUR, DIST- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Viveka Nandsingh

For the Opposite Party/s : Mr.Satyendra Prasad

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 01-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions
Trial No. 375 of 2021 arising out of Kishanpur P.S. Case No. 152 of
2021 registered for the offences punishable under Section 302 of the
I.P.C. and under Section 27 of the Arms Act.

3. As per prosecution case, there is accusation against
the petitioner to have committed murder of informant's son by
making gun shot injury.

4. Learned counsel for the petitioner submits through
supplementary affidavit that earlier bail prayer of the present
petitioner has been dismissed as withdrawn by this Court vide Cr.
Misc. No. 29848 of 2022 on 03.08.2022. He further submits that the
bail of the present petitioner has already been rejected by this Court



Vide Cr. Misc. 50833 of 2022 on 23.11.2022 with an observation that if there is no substantial progress in the proceedings of trial within the stipulated period of nine months, the petitioner may renew his prayer for bail. He further submits that petitioner is in custody since 20.08.2021 and bears criminal antecedent of one case in which he is on bail. He further submits that petitioner has falsely been implicated in the case due to dirty village politics and he has not committed any offence as alleged in the F.I.R. He further submits that since the date of rejection of earlier bail prayer of the petitioner one year has been elapsed and out of six prosecution witness, four prosecution witnesses has been examined and there is every possibility that the trial is not going to be concluded in near future. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 20.08.2021.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that so far as the direction given by this Court while rejecting the earlier bail prayer of petitioner is concerned, there is substantial progress in trial as out of six prosecution witnesses, only two prosecution witnesses are left to be examined and hence, the petitioner does not deserve bail.

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. 54/2023 dated 06.11.2023 has sent its report in which reveals that out of six prosecution witnesses, four prosecution



witnesses have been examined and rest two prosecution witnesses are yet to be examined.

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 within three months from the date of receipt/production of copy of this order, by putting the trial on day to day basis.

(Alok Kumar Pandey, J)

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