

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69611 of 2022**

Arising Out of PS. Case No.-243 Year-2021 Thana- BARAUNI District- Begusarai

Mukesh Kumar @ Mukesh Kumar Singh Son of Phulena Singh Resident of
Village- Simaria, P.S.- Barauni (Chakiya O.P.), District- Begusarai

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr. Surnendra Kishore Thakur, Adv. Mr. Brajesh Kumar Singh, Adv.
For the State	:	Mr. Amit Kumar Rakesh, APP
For the Informant	:	Mr. Shubhesh Pandey, Adv.

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 01-02-2023 Heard Mr. Surendra Kishore Thakur, learned counsel
for the petitioner, Mr. Amit Kumar Rakesh, learned Additional
Public Prosecutor for the State and Mr. Shubhesh Pandey,
learned counsel for the informant.

Earlier, the prayer of the petitioner for grant of bail in
connection with the present case was rejected vide order dated
26.07.2022 after taking into consideration the fact that on the
exhort of co-accused Babloo Kumar, the petitioner shot over the
head of the son of the informant due to which he died.

In the present application, the prayer has been
renewed on the ground that till date there is no substantive
progress in the trial and apart from the fact that other co-accused
persons named in the FIR have been allowed the privilege of



bail.

Earlier, vide order dated 21.12.2022, the status report of Sessions Trial No. 81 of 2022 was called for from the Trial Court concerned and the same has been received, from perusal thereof, it appears that out of eight accused persons, seven accused have filed discharge petition. However, the learned trial court has disposed of six discharge petitions on different dates. It has also been informed that the accused persons have intentionally delayed the framing of charge by filing discharge petitions one by one and due to that charge could not be framed till date.

At this juncture, learned counsel for the petitioner submits that the petitioner is all along in jail and he never filed any discharge petition and, as such, his case may be separated for the purposes of the disposal of the trial.

On the other hand, learned counsel for the informant, while vehemently opposing the prayer for bail of the petitioner submitted that the petitioner is the main assailant and there is no fresh ground for reconsideration of his prayer.

This Court also heard learned Additional Public Prosecutor for the State.

Having considered the nature of accusation and the



seriousness of the offence and also the fact that earlier the prayer for bail of the petitioner has already been rejected on merit, this Court is not persuaded to reconsider the same afresh.

Accordingly, the present application stands rejected once again with a direction to the learned trial court to take all the endeavors to expedite and conclude the trial as early as possible.

(Harish Kumar, J)

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