

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68072 of 2023

Arising Out of PS. Case No.-241 Year-2020 Thana- BEGUSARAI MUFFASIL District-
Begusarai

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RAHUL KUMAR@RAM NATH KUMAR@RAHUL SINGH S/O LATE
SUNIL SINGH @ BUCHCHAN SARDAR R/O VILLAGE- KAITHAMA,
WARD NO. 19, PS. MUFFASIL, DIST. BEGUSARAI

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Praveen Kumar, Adv. Mr. Uday Pratap Singh, Adv.
For the State	:	Mr.Nand Kishore Pd., A.P.P.
For the Informant	:	Mr. Manoj Kumar Singh, Adv.

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CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 08-12-2023 Heard learned counsel for the petitioner and learned
A.P.P. for the State and learned counsel for the Informant.

2. The petitioner seeks bail in connection with Sessions
S.T. No. 525 of 2022 arising out of Muffasil P.S. Case No. 241 of
2020 registered for the offences punishable under Section 307,
302/34 of the I.P.C. and under Section 27 of the Arms Act.

3. As per prosecution case, the accusation against the
petitioner is that he fired from pistol upon the informant's brother on
his chest causing firearm injury. Further allegation against the
petitioner is that he again fired upon the informant's brother which
hit near the beard who later on died.

4. Learned counsel for the petitioner submits the
petitioner is languishing in custody since 25.11.2020 which is more



than three years and bears criminal antecedent of four cases. Chargesheet has been submitted in this case and there is no likelihood of tampering with the prosecution case. He further submits that the bail of the present petitioner has already been rejected by this Court Vide Cr. Misc. 72062 of 2021 on 16.08.2022. He further submits that since the date of rejection of earlier bail prayer of the petitioner more than one year has been elapsed and no prosecution witness has been examined though charge has been framed. He further submits that delay of trial is not attributable to the petitioner as he is in custody since 25.11.2020 and the trial has not been exceeded from the stage of framing of charge.

5. The learned counsel for Informant and learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submit that there is specific accusation of firing upon the informant's brother against the petitioner who later on died and the same is supported by postmortem report. They further submit that the bail of the present petitioner has already been rejected on merit on 16.08.2022 and there is no reason for hearing the bail petition of the present petitioner afresh.

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. 160/2023 dated 30.10.2023 has sent its report which reveals that charge has been framed and no witness has been examined up till now. The report further reveals that the court is lying



vacant and the concerned court has intimated to learned District and Sessions Judge, Begusarai to transfer this case in the running court so that the trial may take place expeditiously.

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 expedite the trial as early as possible. If the court is vacant, the record will be sent to the running court where witnesses should be examined on day to day basis so that the trial may be concluded expeditiously.

(Alok Kumar Pandey, J)

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