

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

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs. Nivedita Nirvikar, Sr. Advocate Ms. Shashi Priya, Advocate
For the Opposite Party/s	:	Mr. Ajay Kumar Jha, APP
For the Informant	:	Mr. Amit Kumar Mishra, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

3 08-12-2023 Heard Mrs. Nivedita Nirvikar, learned senior counsel,

duly assisted by Ms. Shashi Priya, learned counsel for the

petitioner and learned APP for the State.

2. This is the third attempt made on behalf of the petitioner to renew his prayer for bail in connection with Sessions Trial No. 81 of 2022, arising out of Barauni P.S. Case No. 243 of 2021, registered for the offences punishable under Section 386, 302, 379/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. Twice the prayer for bail of the petitioner were turned down considering the fact that the petitioner is alleged to be the author of the fatal injury, resulting into death of the son of the informant.



4. Earlier while rejecting the prayer for bail of the petitioner, this Court had also observed that learned trial court shall take all the endeavour to expedite and conclude the trial as early as possible.

4. This Court has also called for the present status report of the trial and it has been informed that out of eight witnesses, seven witnesses have already been examined and the trial is at the fag end.

5. Ms. Nivedita Nirvikar, learned senior counsel fairly submits that irrespective of the fact that earlier twice the prayer for bail of the petitioner has been rejected, but, *prima facie*, it appears that the case has not been placed in rightful manner, as it has been failed to point out that the post-mortem report does not corroborate the allegation levelled in the F.I.R., inasmuch, as altogether four bullet injuries have been found over the body of the deceased and there is no bullet injury over the skull of the deceased. She next submits that all the other co-accused persons, including the person, who is said to be the order giver and against whom there was allegation of indiscriminate firing, have been allowed the privilege of bail. Moreover, the petitioner has been in incarcerated since 18.08.2021.

6. On the other hand, learned counsel for the State as



well as informant vehemently opposed the bail of the petitioner and submit that earlier the prayer for bail of the petitioner was rejected on merit and there is no overwhelming and cogent circumstances warranting reconsideration. Moreover, there is specific allegation against the petitioner and all the more he is having four criminal antecedents over his head.

7. Regard being had to the submissions made on behalf of the parties and considering the fact that the trial is at the fag end and only one witness is required to be examined to conclude the trial, it would not be proper to allow the petitioner on bail and, as such, the prayer for bail of the petitioner stands rejected with a direction to the learned court below to take all endeavours and efforts to conclude the trial preferably within a period of three months from the date of receipt of a copy of this order.

8. With the aforesaid observation, the prayer for bail of the petitioner stand rejected.

(Harish Kumar, J)

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