

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72967 of 2023

Arising Out of PS. Case No.-258 Year-2021 Thana- GOPALPUR District- Patna

SUBODH KUMAR @ PANDUA Son of Sri Umesh Rai Resident of Village -
bairiay, PS. Gopalpur, District- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ansul, Adv. Mr. Kaushal Kumar, Adv. Mr. Gautam, Adv.
For the Opposite Party/s :		Mr.Aditya Narayan Singh.1

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.

2. The petitioner seeks bail in connection with Sessions Special Case No. 4621 of 2021 arising out of Gopalpur P.S. Case No. 258 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 307, 504, 506 of the I.P.C. and under Sections 25(1-b)a, 26 and 27 of the Arms Act and under Section 37(b)(c) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is accusation against the petitioner to shoot the informant's son as a result of which he sustained injury. There is alleged recovery of one country made pistol from the petitioner and he is found



intoxicated condition.

4. Learned counsel for the petitioner submits that petitioner is languishing in custody since 28.07.2021 and bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the bail of the present petitioner has already been rejected by this Court Vide Cr. Misc. 24014 of 2023 on 19.07.2023 by directing the trial court to expedite the trial and conclude the same as early as possible. He further submits that petitioner's brother has also filed Gopalpur P.S. Case No. 233 of 2021 which is earlier from the case filed by the present informant. Learned counsel for the petitioner submits that petitioner has become a victim of circumstance as the informant of the present case has already committed the murder of petitioner's wife. He further submits that the petitioner has three children and no one is there to look after them. He further submits that no witnesses have been examined on behalf of the prosecution though charge has been framed on 03.08.2023 which indicates that the pace of trial is slow and the trial is not likely to be concluded in near future. Learned counsel for the petitioner further submits that the delay of trial is not attributable to the petitioner as he is in custody



since 28.07.2021 which is more than two years and four months and, hence, he may be granted bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is specific allegation against the petitioner and the same is corroborated by the injury report. He further submits that the bail of present petitioner has already been rejected on merit on 19.07.2023 and there is no reason for granting bail to the present petitioner.

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. 80 dated 08.11.2023 has sent its report which reveals that only charge has been framed on 03.08.2023 and no prosecution witnesses have been examined. The report further entails that the trial is likely to be concluded in nine months.

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 on day to day basis. If the trial is not concluded within three months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

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