

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.70791 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- BIBHUTIPUR District- Samastipur

RATNESH KUMAR @ GOLU S/o Sri Nityanand Singh R/v- Sihma, Ward
No. 18, P.S.- Matihani, District- Begusarai

... .. Petitioner/s

Versus

THE STATE OF BIHAR Bihar

... .. Opposite Party/s

with

CRIMINAL MISCELLANEOUS No. 71468 of 2022

Arising Out of PS. Case No.-49 Year-2022 Thana- BIBHUTIPUR District- Samastipur

BHOLA KUMAR @ SUNNY @ SUNNY KUMAR Son of Sri Sanjay Kumar
Singh @ Sanjay Singh Resident of village - Vrindawan, Ward No.- 1, P.S.-
Nawkothe, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

(In CRIMINAL MISCELLANEOUS No. 70791 of 2022)

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

(In CRIMINAL MISCELLANEOUS No. 71468 of 2022)

For the Petitioner/s : Mr. Mritunjay Kumar, Adv.

For the Opposite Party/s : Mr. Md. Aslam Ansari, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 19-07-2023 Heard learned counsel for the petitioners and

learned counsel for the informant as well as learned A.P.P. for

the State.

The petitioners seek bail in connection with

Sessions Trial No. 380 of 2022 arising out of Bibhutipur P.S.

Case No. 49 of 2022 dated 08.02.2022 registered for the



offence under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

The son of the informant is alleged to have been killed by the petitioners after hatching the conspiracy.

Learned counsel appearing for the petitioners submits that the petitioners are innocent and has falsely been implicated in this case. He further submits that the allegation, as alleged in the F.I.R., is false and fabricated and the petitioners have not committed any offence. He further submits that informant is not the eye witness to the alleged occurrence. He further submits that the police after investigation has submitted charge-sheet in this case against the petitioners. The petitioners are rotting in judicial custody since 30.03.2022.

A report with regard to present stage of the trial has been called for by this Court vide order dated 29.03.2023 which has been received and forms part of this application at Flag-R dated 22.05.2023. On perusal thereof, it would reveal that out of eight charge sheet witnesses, five have been examined and cross examined and the case is pending for examination of rest of the witnesses.

Learned counsel appearing for the petitioner



referring to the aforesaid report submits that the trial of this case is not likely to be concluded in near future and the petitioner is languishing in judicial custody since 30.03.2022 i.e more than one year.

Learned counsel for the informant as well as learned A.P.P. for the State opposed the prayer for bail of the petitioners and submits that the trial has begun and three prosecution witnesses are only to be examined.

Considering the facts and circumstances of the case and the rival submission of the parties and also the present stage of the trial, this Court is not inclined to grant the privilege of bail to the petitioners. Accordingly, the prayer for bail of this petitioners is rejected.

However, learned trial court is directed to expedite the trial and try to conclude it at the earliest.

(Rajesh Kumar Verma, J)

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