

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9436 of 2024

Arising Out of PS. Case No.-235 Year-2021 Thana- SONEPUR District- Saran

BHUSHAN RAI @ SHASHI KUMAR YADAV @ CHHOTU S/O ASHOK
RAI @ ASHOK KUMAR RAI R/O VILLAGE- PARMANANDPUR
POKHRA MURTHAN, P.S- SONEPUR, DISTT.- SARAN.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur Mr. Vaishnavi Singh Mr. Ritwik Thakur
For the Opposite Party/s :		Mr. Sunil Kumar Singh Mr. Choubey Jawahar Md. Azimuddin

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 27-03-2024 Heard learned counsel for the petitioner and
learned APP for the State.

2. This is the second attempt of the petitioner for grant of regular bail as earlier the bail application of the petitioner was rejected vide order dated 23.05.2023 passed in Cr. Misc. No. 24825 of 2022. The order dated 23.05.2023 reads as follows:-

*Heard learned counsel for the petitioner
and learned APP for the State.*

*This application has been filed for grant of
regular bail arises out of Sonapur P.S. Case No. 235 of
2021, registered for the offence punishable under
Sections 147, 148, 149, 302 and later added section*



120(B) of the Indian Penal Code and section 27 of the Arms Act.

One of the co-accused Sonu Kumar having similar allegation has been granted bail vide order dated 08.04.2022 in Cr. Misc. No. 53176 of 2021 by this Court. His bail order was set aside by the Hon'ble Supreme Court and thereafter the matter was remitted back to this Court. Again the bail of Sonu Kumar was rejected on 10.05.2023.

Considering the fact that the petitioner has same and similar allegation, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

The trial court is directed to expedite the trial of all the cases pending against the petitioner within six month.

3. A report was called from the concerned Court below regarding the stage of trial in connection with Sessions Trial No. 606 of 2022. The report has been received and the same shows that two witnesses have been examined.

4. It has been submitted by the learned counsel for the petitioner Shri Ajay Kumar Thakur that for the last three months, no witnesses have been produced and the trial is delayed by the prosecution side.

5. Learned counsel for the informant Shri Sunil Kumar Singh submits that the informant has now been provided police protection and he will not co-operate in the trial. He further submits that tomorrow is the date fixed in the trial and the witnesses will be regularly produced by the prosecution side.



6. Considering the aforesaid facts, this Court is not inclined to grant bail to the petitioner.

7. Accordingly, this application is dismissed.

8. The trial Court is directed to examine the witnesses on the dates fixed for the trial and if the trial is delayed due to prosecution side then the petitioner may renew his prayer for grant of bail.

(Sandeep Kumar, J)

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