

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.10706 of 2024

Arising Out of PS. Case No.-605 Year-2020 Thana- SONEPUR District- Saran

AKASH KUMAR @ AKASH RAI Son of Maheshwar Rai Resident of
Village-Manpur, P.S-Sonpur, District-Saran at Chapra.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anupam Bhardwaj, Advocate

For the Opposite Party/s : Mrs. Patla Kumari, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY

ORAL ORDER

3 10-04-2024 Heard Mr. Anupam Bhardwaj, learned Counsel for
the petitioner and Mrs. Patla Kumar, learned APP for the State.

2. The petitioner is an accused in connection with Sonpur P.S. Case No. 605 of 2020 (S.Tr. No. 180 of 2021) registered for the offences under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 16.08.2020 by the informant, Mahesh Kumar.

3. The aforesaid case came to be registered on the allegation made by the informant that he got information that some unknown persons have shot at his son near the temple. Upon reaching there, he was informed that the injured has been shifted to Sadar Hospital, Chapra and when he reached the said hospital, he got knowledge that his son is dead.

4. Earlier the bail application was twice rejected vide



Cr. Misc. No. 19960 of 2022 on 03.08.2022 and Cr. Misc. No. 23421 of 2023 on 03.05.2023 and on the last occasion, the Trial Court was specifically directed to conclude it within a period of six months taking into account that out of six witnesses, four were examined and only the I.O. and Doctor were to be examined.

5. Almost one year later, upon calling, a report has come vide letter no. 25 dated 19.02.2024 in which it has been informed that only I.O. has been examined and the examination of the Doctor is still not completed.

6. Learned Counsel for the petitioner submits that petitioner is in custody since 16.08.2020 (paragraph-16 to the petition) but the trial is still not been concluded.

7. Mrs. Patla Kumari, learned Counsel for the informant, on the other hand has taken this Court to paragraph-3 to show that more than half a dozen criminal cases are pending against this petitioner who is the main accused.

8. Taking into account the aforesaid facts, this Court does not deem it fit and proper to release the petitioner at the advance stage of the trial.

9. Accordingly, the bail petition stands rejected.

10. However, since he is in custody since the year



2020, the Trial Court shall ensure that the trial is taken to its logical conclusion in next four months on day to day basis failing which he shall be duty bound to submit a report why despite the petitioner being in custody for the last almost four years, the only remaining witness was not examined and/or trial could not be concluded.

(Rajiv Roy, J)

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