

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8694 of 2024

Arising Out of PS. Case No.-77 Year-2022 Thana- SAUR BAZAR District- Saharsa

Prince Kumar @ Nanhe S/o Pramod Yadav R/o Vill - Parmanandpur, P.S. - Ghailad, Dist. - Madhepura.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shiva Shankar Sharma

For the Opposite Party/s : Mr. Mohammed Arif

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 17-05-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with S.T. No.77/2022 arising out of Sour Bazar P.S. Case 77/2022, registered for the offence punishable under Sections 302, 201, 120B of the Indian Penal Code.

3. As per prosecution case, allegation against the petitioner and others to have concertedly committed the murder of informant's younger brother by pushing on railway line as a result of which he sustained injuries on head and the whole body and died on the spot.

4. Learned counsel for the petitioner submits that on 01.02.2023 the bail of the present petitioner has already been rejected on merit by this Court vide Cr. Misc. No. 43672/2022



with an observation that if trial is not concluded within nine months from the date of receipt/production of copy of this order, the petitioner may renew his prayer for bail. He further submits that after lapse of eleven months, petitioner has filed present bail petition and the delay of trial is not in any way attributed to the petitioner as he is languishing in custody since 21.02.2022. He further submits that petitioner is innocent and has falsely been implicated in this case. The deceased died due to accident. The petitioner bears no criminal antecedent. He further submits that FIR has been lodged after twenty hours from the point of time when occurrence took place.

5. The learned A.P.P. for the State vehemently opposed the prayer for bail of the petitioner and submits that one eye witness Rahul Kumar has supported the prosecution story in toto and there is allegation against the petitioner to commit the murder of the informant's younger brother by pushing on railway line as a result of which he died and the postmortem report also supports the prosecution story. He further submits that the bail of the present petitioner has already been rejected on merit vide order dated 01.02.2023 passed in Cr. Misc. no.43672/2022.

6. In pursuance of order dated 10.04.2024. The trial court vide letter no.17 dated 20.04.2024 has sent its report in which the trial court has sought six months time to conclude the



trial.

7. Considering the facts and circumstances of the case, keeping in view that earlier bail prayer of the petitioner has been rejected on merit, I am not inclined to grant bail to the petitioner. Hence, prayer for bail of the petitioner stands rejected.

8. However, the trial court is directed to conclude the trial within six months by putting the same on day to day basis. If trial is not concluded within six 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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