

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21197 of 2024

Arising Out of PS. Case No.-126 Year-2023 Thana- HULASGANJ District- Jehanabad

Sudhir Kumar @ Sudhir Sharma son of Late Rameshwar Singh Resident of
Village - Imadpur, PS - Hulasganj, Dist- Jehanabad

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Raj Kumar, Advocate
For the Opposite Party/s	:	Mr. Ram Bilash Roy Raman, APP
For the Informant	:	Mr. Manish Kumar No. 2, Advocate

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

5 02-08-2024 Heard learned counsel for the petitioner, learned
counsel for the informant, learned APP for the State and perused
the case diary.

2. The petitioner seeks bail in connection with S.T.
No. 15 of 2024, arising out of Hulasganj P.S. Case No. 126 of
2023, instituted for the offences punishable under Sections 302
and 120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

3. The prosecution case, in short, is that, the accused
persons including the petitioner fired upon the uncle of the
informant, namely, Santosh Kumar due to which he died.

4. Learned counsel for the petitioner submits that the
petitioner is innocent and has falsely been implicated in the



present case. Charge-sheet has been submitted in this case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that there is no specific allegation attributed towards the petitioner, rather the allegation levelled against the petitioner is general and omnibus in nature. Learned counsel for the petitioner further submitted that as per paragraph 59 of the case diary, no phone call was made to the deceased by the petitioner after 06:30 p.m. on the alleged date of occurrence. The petitioner has surrendered suo motu on 29.08.2023 and has got two criminal antecedents in which he is acquitted in one case and is on bail in the other case.

5. Learned counsel for the informant and learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned counsel for the informant has also submitted that the petitioner is named in the F.I.R. and there is specific allegation of murdering the uncle of the informant. Hence, the petitioner does not deserve the privilege of bail.

6. A report was called for with regard to the present stage of trial. It is submitted that out of seven witnesses, two witnesses along with the informant have been examined and rest four witnesses are yet to be examined.



7. Considering the nature of accusation against the petitioner and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

8. Prayer is rejected. The Trial Court is directed to expedite the trial expeditiously. However, if the trial is not concluded within a period of six months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

(Rudra Prakash Mishra, J)

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