

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21085 of 2024

Arising Out of PS. Case No.-596 Year-2019 Thana- MADHAURAH District- Saran

Subodh Kumar Singh @ Subodh Singh S/o Late Arjun Singh R/o village-
Aawari, P.S. - Madhaurah, Distt. - Saran at Chapra

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms. Nivedita Nirvikar, Sr. Advocate Ms. Riya Giri, Advocate
For the State	:	Mrs. Sangeeta Sharma, APP
For the Informant	:	Mr. Udai Shankar Singh, Advocate

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 23-08-2024 The present petition is by way of third attempt at the behest of the petitioner for grant of bail in connection with Madhaurah P.S. Case No. 596 of 2019 (Sessions Trial No. 43 of 2021), registered for the offence punishable under Sections 147, 148, 149, 323, 325, 326, 379, 332, 333, 307, 302, 504 and 120(B) of the Indian Penal Code and Sections 25(1-b)a, 26, 35 and 27 of the Arms Act, inasmuch as the earlier petitions filed by the petitioner for grant of regular bail have all stood rejected by this Court.

2. The accusation, according to the informant, namely, Vikas Kumar Singh, who is the Assistant Sub-Inspector of Police of Special



Investigation Team, is that he along with other police personnel and constable had proceeded from Chapra to Marhaura police station at around 4.30 pm. on the alleged date of occurrence and had talked with the Officer-in-Charge of Marhaura police station regarding Garkha P.S. Case No. 512 of 2019 in respect of certain incident, whereafter the informant along with other police personnel had proceeded to Chapra and reached there at about 6.20 pm. at Marhaura market in front of the LIC office. It further alleged that in the meantime, one white colour Scorpio vehicle came there with 8 to 9 persons sitting therein and the said persons were variously armed with rifle, revolver and pistol. It is also alleged that 7-8 co-accused persons, riding on various motorcycles, had also reached there. Thereafter, the accused persons are stated to have got down from the Scorpio vehicle and the motorcycle in question, armed with firearms and had not only assaulted the police personnel, but had also engaged in firing indiscriminately on the police party, resulting in firearm injuries to the police personnel as also subsequent death of one



police personnel, namely, Mithilesh Kumar Shah and Farooque Alam. The accused persons are stated to have then fled away. As far as the petitioner herein is concerned, he is stated to be one of the assailant and his name has transpired during the course of the recording of the statement of the injured persons at the time of investigation.

3. The learned senior counsel for the petitioner has submitted that the petitioner is languishing in custody since 15.01.2021 and as far as trial is concerned, though there were only 12 prosecution witnesses named in the charge sheet, however, subsequently, 23 witnesses have been added by the learned Trial Court upon a petition having been filed by the prosecution, hence there is no likelihood of completion of the trial in near future, thus the petitioner be granted bail or in the alternative he be granted liberty to move this Court for renewal of his prayer for grant of regular bail in case the trial is not concluded, within a period of nine months from today, in view of the fact that the learned Trial Court, in its report dated 21.07.2024 sent to this Court, has mentioned that nine months



time is likely to be taken for completion of the trial.

4. *Per contra*, the learned A.P.P. for the State and the learned counsel for the informant Shri Udai Shankar Singh have vehemently opposed the prayer for grant of bail and have submitted that this Court, in its earliest order dated 16.12.2021, while rejecting the bail petition of the petitioner has very succinctly dealt with the materials available in the case diary to come to a finding that ample materials are available on record to *prima facie* show the complicity of the petitioner in the alleged killing of the police personnel apart from the fact that he is having a bad criminal antecedent and moreover, there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail. It is also pointed out that coordinate Benches of this Court vide order dated 24.01.2024 passed in Criminal Misc. No. 58197 of 2023 and order dated 04.08.2023 passed in Criminal Misc. No. 45947 of 2023, have also rejected the bail petitions filed by the co-accused persons, hence this Court may not grant bail to the petitioner.



5. Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior Counsel for the petitioner, the Ld. APP for the State and the learned counsel appearing for the informant as also taking into account the materials available on record, this Court finds that there is no change in circumstance so as to warrant reconsideration of the prayer of the petitioner for grant of bail, apart from the fact that *prima facie*, there are ample materials on record to show the complicity of the petitioner in the alleged killing of the police personnel and moreover, the petitioner is having bad antecedent, hence, I do not find any merit in the present petition.

6. Accordingly, the present petition stands dismissed.

(Mohit Kumar Shah, J)

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