

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21911 of 2024

Arising Out of PS. Case No.-159 Year-2021 Thana- KUDRA District- Kaimur (Bhabua)

Alok Kumar @ Alok Kumar Yadav SON OF MAHNGU SINGH RESIDENT
OF VILLAGE- SAKRI, WARD NO. 10, PS- KUDRA, DISTT- KAIMUR AT
BHABUA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Tribhuwan Narayan, Adv.
For the Opposite Party/s	:	Mr.Md. Fahimuddin, APP

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 12-07-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Ku-
dra P.S. Case No. 159 of 2021 registered for the offences pun-
ishable under Sections 302/34 of the Indian Penal Code and sec-
tion 27 of the Arms Act.

3. As per prosecution case, there is allegation
against the petitioner that he opened fire upon the informant's
son as a result of which he died during course of treatment.

4. Learned counsel for the petitioner submits that
petitioner is in custody since 20.06.2021 and bears criminal an-
tecedent of one case. He further submits that petitioner had not
any intention to kill the informant's son. He further submits that
petitioner is quite innocent and falsely implicated in the case at
the instance of his enemy. Petitioner is in custody and delay in

trial is not in any way attributable to the petitioner.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there is direct allegation against the petitioner who fired upon the informant's son and he died. There is an eye witness Raj Kamal Singh who has supported the prosecution story.

6. In pursuance of the direction of this Court dated 21.06.2024, report of the trial Court is received and is kept at Flag-'R'. Perusal of the report shows that out of the 9 prosecution witnesses 4 have already been examined and only 4 witnesses are yet to be examined and the trial Court has sought 4 months time to conclude the trial.

7. Considering the facts and circumstances of the case, nature of allegation levelled against the petitioner coupled with the *post mortem* report and the material available on record, I am not inclined to grant bail to the petitioner. His prayer for bail is, accordingly, rejected.

However, the trial Court is directed to conclude the trial of the case by taking up the trial on day to day basis.

(Alok Kumar Pandey, J)

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