

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26095 of 2024

Arising Out of PS. Case No.-254 Year-2022 Thana- CHIRAIYA District- East Champaran

Shailendra Singh, Son of Late Siyaram Singh, R/o Village- Rupahari, P.S.-
Shikarganj, Dist.- East Champaran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar Singh, Advocate
		Mr. Ajay Kumar Singh, Advocate
For the Opposite Party/s	:	Mr. Jharkhandi Upadhyay, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 28-06-2024 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Sessions Trial No. 1093 of 2022 arising out of Chiraiya (Shikarganj) P.S. Case No. 254 of 2022, registered on 02.06.2022, for the alleged offences under Sections 302, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution case, the petitioner and other co-accused persons entered into the house of the informant's son and indiscriminately fired upon him. When the informant, his nephew and other villagers reached at the spot, the assailants fled away by opening fire in air. The son of the informant died at the spot.



4. The learned senior counsel appearing on behalf of the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his earlier prayer for bail was rejected vide order dated 17.05.2023 passed in Cr. Misc. No. 20105 of 2023. The learned senior counsel further submits that the petitioner is in custody since 15.07.2022 and trial is still at its initial stage as only charges have been framed, though while rejecting the prayer for bail on previous occasion, the learned trial court was directed to expedite the trial and conclude the same at the earliest. Despite the direction, nothing has been done and the trial is running at snail's pace and there is no likelihood of early conclusion of the trial. The learned senior counsel further submits that certain facts could not be brought to the notice of the Court on the previous occasion when the first bail petition of the petitioner was heard. The inquest report and seizure list were prepared on 01.06.2022, i.e., on the date of occurrence, but the FIR was registered next day on 02.06.2022 without any explanation. This fact goes on to show that the petitioner and other co-accused persons have been falsely implicated in this case. There has been previous enmity between the two families and the informant, taking advantage of the murder of his son, falsely implicated the petitioner. The learned



senior counsel further submits that the lodging of the FIR after so much delay creates doubt over the prosecution case as the inquest report, seizure list and post mortem, are all dated 01.06.2022 and the late registration of the FIR may ultimately lead to failing of the case of the prosecution. The learned senior counsel further submits that the deceased was himself a veteran criminal and was accused in altogether five cases registered for serious offences. A bare perusal of the FIR shows there was no eye witness and there is no specific allegation against the petitioner for firing upon the deceased except making omnibus allegation of firing against a number of persons including the petitioner. Thus, learned senior counsel submits that there is no likelihood of early conclusion of trial as the prosecution might not be interested in allowing the trial to proceed and to be concluded in near future, the petitioner deserves to be enlarged on bail.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that no fresh ground has been brought on record for reconsideration of prayer of bail.

6. Perused the record.

7. Having regard to the facts and circumstances and



submission made on behalf of the parties, I do not find any new ground to reconsider the prayer for bail of the petitioner since the allegation is quite specific that the petitioner and the co-accused persons shot dead the son of the informant and the post mortem report also supports the allegation.

8. Hence, his prayer for grant of bail is rejected.

9. However, learned trial court is reminded that when this Court directed it to conclude the trial at the earliest, it was expected that the trial would be concluded within a reasonable period. It is a case under Section 302 IPC and the petitioner is in custody since 15.07.2022. So, the learned trial court is directed to move on urgent basis in the matter and try to conclude the trial within a period of nine months from the date of this order.

10. Office is directed to send a copy of this order to the court concerned as well as to the Superintendent of Police, East Champaran, who will ensure that witnesses are produced on each and every date fixed before the court without fail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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