

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.31521 of 2024

Arising Out of PS. Case No.-258 Year-2021 Thana- GOPALPUR District- Patna

Subodoh Kumar @ Pandua S/O Sri Umesh Rai R/O Village- Bairiya, P.S-
Gopalpur, Distt.- Patna.

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Hansraj

For the Opposite Party/s : Mr. Yogendra Kumar

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

4 21-06-2024 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in connection with Sessions Special Case No. 4621 of 2021 arising out of Gopalpur P.S. Case No. 258 of 2021 registered for the offences punishable under Sections 147, 148, 149, 341, 307, 504, 506 of the I.P.C. and under Sections 25(1-b)a, 26 and 27 of the Arms Act and under Section 37(b)(c) of the Bihar Prohibition and Excise Act, 2018.

3. As per prosecution case, there is accusation against the petitioner to shoot the informant's son as a result of which he sustained injury. There is alleged recovery of one country made pistol from the petitioner and he is found intoxicated condition.

4. Learned counsel for the petitioner submits that



petitioner is languishing in custody since 28.07.2021 and bears no criminal antecedent. Charge sheet has already been submitted in the case and there is no likelihood of tampering with the prosecution evidence. He further submits that the bail of the present petitioner has already been rejected twice by this Court vide Cr. Misc. 24014 of 2023 on 19.07.2023 and Cr. Misc. No.72967 of 2023 on 08.12.2023. He further submits that petitioner's brother has also filed Gopalpur P.S. Case No. 233 of 2021 which is earlier from the case filed by the present informant. Learned counsel for the petitioner submits that petitioner has become a victim of circumstance as the informant of the present case has already committed the murder of petitioner's wife. He further submits that the petitioner has three children and no one is there to look after them. He further submits that there is no substantial progress in trial though charge has been framed on 03.08.2023 which indicates that the pace of trial is slow and the trial is not likely to be concluded in near future. Learned counsel for the petitioner further submits that the delay of trial is not attributable to the petitioner as he is in custody since 28.07.2021 which is more than two years and ten months and, hence, he may be granted bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that there



is specific allegation against the petitioner and the same is corroborated by the injury report. He further submits that the bail of present petitioner has already been rejected twice on merit on 19.07.2023 & 08.12.2023 and there is no reason for granting bail to the present petitioner.

6. A report regarding stage of trial has been sought by this Court and in pursuance of the said direction, the trial court vide letter no. 80 dated 04.05.2024 has sent its report which reveals that four prosecution witnesses have been examined and four prosecution witnesses are yet to be examined.

7. Considering the facts and circumstances of the case, arguments advanced on behalf of both sides, material available on record as well as report of the trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

8. However, trial court is directed to conclude the trial on day to day basis. If the trial is not concluded within two 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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