

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36026 of 2024

Arising Out of PS. Case No.-116 Year-2021 Thana- CHAKAND District- Gaya

1. SUNIL KUMAR @ MADHUSUDAN YADAV @ MADHU SUDAN KUMAR SON OF SRI KARUN PASWAN RESIDENT OF VILLAGE - RANAPUR, P.S. - CHAKAND, DISTRICT - GAYA
2. KARUN PASWAN SON OF LATE RAMSAWRUP PASWAN RESIDENT OF VILLAGE - RANAPUR, P.S. - CHAKAND, DISTRICT - GAYA

... .. Petitioner/s

Versus

THE STATE OF BIHAR BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Bhaskar Shankar, Advocate
For the Opposite Party/s : Mr.Uday Pratap Singh, A.P.P.

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

3 09-08-2024 Heard learned counsel for the petitioners and learned
A.P.P. for the State.

2. The petitioners seek bail in connection with S. Tr.
No. 325 of 2022 arising out of Chakand P.S. Case No. 116 of 2021
registered for the offences punishable under Section 306, 328/34 of
the I.P.C.

3. As per prosecution case, accusation against the
petitioners is that petitioners alongwith others have concertedly
poisoned informant's son namely Deepak Kumar as a result of which
he died.

4. Learned counsel for the petitioners submits that the
bail of the present petitioners has already been rejected by this Court
on two occasions i.e. earlier on 13.10.2022 and later on 02.08.2023.



He further submits that on 02.08.2023 the prayer for bail of the petitioners has been rejected with direction that if trial is not concluded within six months from the date of receipt / production of copy of this order, the petitioners may renew their prayer for bail. He further submits that petitioner no. 1 is in custody since 05.07.2021 and petitioner no. 2 is in custody since 02.09.2021 and the delay of trial is not in any way attributable to the petitioners as they are languishing in custody for more than three years.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioners has been rejected on two occasions on two occasions i.e. earlier on 13.10.2022 and later on 02.08.2023 with an observation that if trial is not concluded within six months from the date of receipt / production of copy of this order, the petitioners may renew their prayer for bail. Learned A.P.P. further submits that the allegation of poisoning is supported and corroborated with the F.S.L. report.

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. 175/2024 dated 19.07.2024 has sent its report which reveals that the case has been fixed for argument. The aforesaid report further reveals that the trial of this case is likely to be concluded within three months.

7. Considering the facts and circumstances of the case,



particularly keeping in view that earlier bail prayer of the petitioners has been rejected as well as report of the trial court, I am not inclined to grant bail to the petitioners. Accordingly, the prayer for bail of the petitioners is hereby rejected.

8. However, trial court is directed to expedite the trial of the present case as early as possible.

(Alok Kumar Pandey, J)

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