

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35175 of 2024

Arising Out of PS. Case No.-97 Year-2020 Thana- NAGARNAUSA District- Nalanda

Pinku Kumar @ Sanjay Banerji @ Pinku Prasad Son of Late Umakant Prasad
@ Umakant Kumar R/O VILLAGE GILANI CHAK, P.S.- CHANDI,
DISTRICT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Shivanand Singh, Advocate

For the Opposite Party/s : Mr.Binod Kumar, APP

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 20-09-2024 Heard learned counsel for the petitioner as well as
learned APP for the State.

2. The learned counsel for the petitioner has submits
that petitioner has antecedent of one case and the informant
alleges that he was riding a bicycle behind his brother, who was
carrying asbestos on a bullock cart, it is next alleged that his
brother was intercepted by petitioner and two unknown
criminals, the criminals fired indiscriminately and the deceased
was killed at the spot. It is further alleged that informant
identified the petitioner.

3. The learned counsel for the petitioner submits that
petitioner has been falsely implicated in the instant case on
account of dispute relating to land. It is also submitted that
petitioner is in custody since 25.09.2020 and out of nine charge



sheet witnesses four witnesses have been examined. It is also submitted that in the event, if regular bail is granted to the petitioner the petitioner will not abscond, rather will cooperate in the trial to prove his innocence. It is next submitted that even presuming what has been alleged in the FIR to be true without admitting then the informant does not specifically alleges that petitioner fired killing the deceased, but then it is fairly submitted that the deceased received 3-4 gun shot injuries.

4. The learned APP opposes the regular bail application and submits that trial has commenced and out of nine witnesses, four witnesses have been examined and the petitioner was identified by the informant who is brother of the deceased, as such it does not appear probable that being brother he would try to falsely implicates someone who was not involved in the killing of his brother, but then the learned APP fairly submits that since petitioner is in custody for nearly four years, the trial can be expedited.

5. Considering the submissions made by the learned APP, the Court is not inclined to release the petitioner on bail, however, the learned trial court is directed to expedite the trial and to conclude the same preferably within a period of one year from today, if possible. It is also made clear that if the trial is not



concluded within the period aforesaid for no fault of the petitioner, the petitioner would be at liberty to renew his prayer for bail before the learned trial court.

(Satyavrat Verma, J)

Prakash Narayan

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