

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2233 of 2023

Arising Out of PS. Case No.-330 Year-2019 Thana- SHAHPUR PATORI District- Samastipur

XXX, Son Of Rakesh Kumar Thakur R/O Vill Gorgama, Ps -Patori, (Shahpur Patori), Distt- Samastipur, Through Legal Guardian Sudha Devi The Mother Of Appellant, Age 49 Years, W/O Rakesh Kumar Thakur R/O Village Gorgama, Ps- Patori (Shahpur Patori), Distt- Samastipur

... .. Appellant

Versus

1. The State Of Bihar
2. Chandrika Prasad Singh Son Of Late Nandlal Singh Resident Of Village- Shiura, Ps- Shahpur Patori, Distt- Samastipur

... .. Respondent

Appearance :

For the Appellant	:	Ms. Kanchan Kumari, Advocate
	:	Mr. Gopesh Raj, Advocate
For the Respondent	:	Mr.Syed Ashfaque Ahmad, APP

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

5 20-07-2024 Heard, learned counsel for the appellant and learned
APP for the State.

2. This is the second attempt of the appellant to obtain bail in connection with Patori P.S. Case No. 330 of 2019 registered for the offences punishable under Sections 307, 323, 34, 341 and 459 of the Indian Penal Code and Section 27 of the Arms Act.

3. The appellant is an accused in Patori P.S. Case No. 330 of 2019. Earlier, he had moved this Court in Criminal Revision No. 485 of 2021 which was permitted to be withdrawn with liberty to file a fresh application giving the complete facts.

4. As per prosecution story, on 11.08.2019 at about

2.15 O' Clock in the night the son of the informant and his wife were sleeping in the house. It is alleged that the appellant along with co-accused came at the door of the informant with pistol in their hand and fired upon the son of the informant due to which he received bullet injury on his stomach and shoulder. It is further alleged that the son of the informant was taken to hospital where he died in course of treatment.

5. Learned counsel for the appellant submits that the appellant has been remanded in this case from Patori P.S. Case No. 93 of 2020 registered for the offences alleged under Sections 25(1-B) (a) and 26 of the Arms Act. He is also an accused in Patori P.S. Case No. 221 of 2019 registered under Section 302/34 IPC. After inquiry, the learned Juvenile Justice Board, Samastipur declared the appellant a juvenile aged about 17 years 7 months 26 days. He is being tried as an adult.

6. Learned counsel submits that the appellant is in custody in connection with this case since 7th September, 2020. At this stage, about four years are going to expire but the trial has not been concluded.

7. Learned APP for the State submits that in this case out of seven prosecution witnesses, two have already been examined, therefore, the trial itself is likely to be concluded very

soon. It is submitted that the offences alleged against the appellant are serious in nature and the punishment attached to the said offences are severe, he is being tried as an adult and has got criminal antecedents.

8. Having regard to the submissions noted herein-above and the materials showing that out of seven charge-sheet witnesses, two have already been examined and the trial itself is likely to be concluded soon as according to learned trial court, trial may be concluded within a period of six months, in the circumstances, I am not inclined to interfere with the impugned order.

9. This appeal is dismissed.

10. The trial court shall make all endeavours to conclude the trial within the given period of six months, failing which it will be open to the appellant to make an application in the trial court itself for grant of bail which will be considered on its own merit.

(Rajeev Ranjan Prasad, J)

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