

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.43057 of 2024**

Arising Out of PS. Case No.-121 Year-2021 Thana- SAHPUR District- Patna

Munna Kumar @ Munna Rai @ Munna Ray S/o Shambu Rai R/o Village-  
Sikandarpur, Nitish Aahar, P.S.-Sahpur, District-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Sunil Kumar, Advocate

For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

**CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY**  
**ORAL ORDER**

3      30-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sahpur P.S Case no. 121 of 2021, registered under sections 302, 147, 148 and 149 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, while talk was going on between the parties for settling the dispute between them, it is stated that the petitioner and one Sujit Kumar started to fire as a result of which the brother of the informant Raj Kumar Rai died on the spot while Manish Kumar died in course of treatment in the PMCH.

4. Learned counsel for the petitioner submits that the earlier application for bail of the petitioner was rejected on three occasions, last being vide order dated 22.9.2023 passed in Cr.



Misc. no. 52960 of 2023. The allegations against the petitioner are general and omnibus in nature and the informant is not an eye witness to the occurrence. Inspite of the petitioner having remained in custody since 4.4.2021, only one witness has been examined and the prosecution is not producing any other witness, inspite of repeated opportunities being given by the learned trial Court. There is no chance of the trial concluding in the near future.

5. The prayer for bail is opposed by learned A.P.P for the State.

6. A report was called for from the learned trial Court. As per the report received contained in letter dated 8.8.2024, charge was framed on 3.3.2022 and one witness has been examined on behalf of the prosecution. Thereafter, no prosecution witness is turning up inspite ofailable warrant having been issued on 21.12.2023 and non-bailable warrant on 20.6.2024.

7. Having heard learned counsel for the parties and taking into consideration the nature of allegation in the F.I.R wherein the petitioner along with one another is said to have resorted to indiscriminate firing resulting in death of two persons, the Court is not inclined to enlarge the petitioner on



bail and the application is rejected.

8. Taking into consideration the petitioner having remained in custody for about 3 years 5 months since 4.4.2021 and no witness turning up inspite of issuance ofailable and non-ailable warrants on 21.12.2023 and 20.6.2024 respectively, liberty is granted to the petitioner to renew his prayer for bail in the learned Court below after six months.

**(Partha Sarthy, J)**

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