

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.47752 of 2024

Arising Out of PS. Case No.-377 Year-2021 Thana- NAUBATPUR District- Patna

Prince Kumar S/O Anil Sharma R/O Village-Pali,P.S.-Naubatpur, Distt-Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anisur Rahman, Advocate

For the Opposite Party/s : Mr. Raj Ballabh Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 18-09-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 746 of 2021 arising out of Naubatpur PS Case No. 377 of 2021 instituted for the offences under Section 302 of the IPC.

3. The earlier bail application of the petitioner was rejected *vide* order dated 11-01-2023, passed in Cr. Misc. No. 30826 of 2022 (Annexure-1) to the present application taking into account the antecedent of the petitioner, material surfaced in the course of investigation and the nature of allegation.

4. Prosecution case, in brief, is that the informant was sitting in his *Dalan* along with his brother thereafter the petitioner demanded his money from brother of the informant,



then the petitioner started abusing him and tried to snatch money from the pocket of the informant's brother and inflicted multiple stab injuries leading to his death.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. Charge-sheet has been submitted in this case. Learned counsel for the petitioner further submits that informant is not an eye-witness of the occurrence and based on local village politics and family dispute the petitioner has been implicated in this case, leading to his custody since 02-08-2021. The petitioner has two criminal antecedents in which he is on bail.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner stating that on earlier occasion the bail of the petitioner was rejected on merit and there is direct allegation against the petitioner.

7. A report was called for from the Trial Court. It has been reported that case is pending for prosecution evidence and there are eight witnesses, including seven charge sheet witnesses and one medical witness. However, till date, the prosecution has not produced any witnesses for examination. It is further stated that trial is expected to be concluded within a period of six



months.

8. Considering the aforesaid facts and circumstances of the case and perusing the report of the trial court, I am not inclined to grant bail to the petitioner. The prayer is *rejected*. However, if the trial is not concluded within a period of six months, then the petitioner will be at liberty to renew his prayer for grant of bail.

9. The District Magistrate, Patna and the Senior Superintendent of Police, Patna are also directed to take necessary steps to produce the witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

10. Let this order be communicated to the District Magistrate, Patna and the Senior Superintendent of Police, Patna.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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