

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
CRIMINAL MISCELLANEOUS No.47968 of 2024**

Arising Out of PS. Case No.-196 Year-2020 Thana- VIDYAPATINAGAR District-  
Samastipur

SUMAN KUMAR CHOUDHARY @ SUMAN KUMAR CHAUDHARY@  
AMAN KUMAR @ CHHABAN CHOUDHARY @ CHHABHAN SON OF  
LATE OM PRAKASH CHOUDHARY RESIDENT OF VILLAGE  
-SHERPUR PS -VIDYAPATI NAGAR, DISTT.- SAMASTIPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Madhuri Kumari  
For the Opposite Party/s : Mr. Mohammad Sufyan

**CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA**

**ORAL ORDER**

- 4      13-09-2024      1. Heard learned counsel for the petitioner and learned  
Additional Public Prosecutor for the State.
2. This application, for grant of regular bail, arises out of  
Vidyapati Nagar Police Station Case No. 196 of 2020,  
disclosing offences under Sections 302/120(B)/34 of the  
Indian Penal Code and Section 27 of the Arms Act.
3. This is the third attempt on behalf of the petitioner for  
grant of regular bail. Earlier, the prayer for regular bail of  
the petitioner was rejected by this Court vide order, dated  
03.11.2023, passed in Cr. Misc. 55298 of 2023, giving  
liberty to petitioner to renew his prayer for bail after six



months from the date of the order, if the trial is not concluded by that period.

4. The prosecution case, as per the First Information Report, is that the petitioner is the main assailant, who fired upon the son of the informant due to which he sustained fire arm injury in his abdomen and co-accused Golu Choudhary fired upon the informant's son which hit him in his back due to which he succumbed to the fire arm injuries.
5. Learned counsel for the petitioner submits that earlier the bail application of the petitioner was rejected in Cr. Misc. 51935 of 2021, dated 16.05.2022, with liberty to the petitioner to renew his prayer for bail after one year, if the trial does not show any progress.
6. In view of the observation given by this Court, the petitioner again approached this Court for grant of bail in Cr. Misc. 55298 of 2023, which was rejected on the basis of report submitted by the Trial Court that estimated time for completion of trial would be six months. However, while rejecting the bail application of the petitioner for the second time, this Court granted liberty to the petitioner to renew his prayer after six months, if the trial



is not concluded by that time. The petitioner, instead of six months, approached this Court again for grant of regular bail after sixteen months.

7. This Court had called for the report regarding the present stage of trial and learned Additional District and Sessions Judge, Dalsinghsarai, has furnished the explanation and report, dated 17.08.2024, stating therein, that the case is fixed for argument and trial is likely to be concluded within one month.
8. Learned counsel submits that the trial has still not concluded. He further submits that as per the report, dated 17.08.2024, the period of one month has already expired, but the case has not yet been placed for judgment. He then submits that during course of trial the informant has stated that the petitioner was not the assailant of his son. The petitioner is in custody since 19.01.2021.
9. Regards being had to the submissions made by the parties and taking into consideration the period of custody and the fact that this case has been placed for third time for grant of bail and the trial has not yet been concluded, I am inclined to grant regular bail to the petitioner.
10. This application is, accordingly, allowed.



11. Let the petitioner, above named, be released on bail on furnishing bail bond of Rs. 10,000/- (Ten Thousand) with two sureties of the like amount, each to the satisfaction of learned Chief Additional Sessions Judge, Dalsingsarai, in connection to the Vidyapati nagar Police Station Case No. 196 of 2020.

(Anil Kumar Sinha, J)

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