

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48176 of 2024

Arising Out of PS. Case No.-77 Year-2019 Thana- SALIMPUR District- Patna

Rahul Kumar S/O Late Rakesh Prasad @ Rakesh Kumar R/O Bhaisahi Tola
(Bhaisani Tola), Mansurganj, P.S- Malasalami, Distt.- Patna.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

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

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

ORAL ORDER

3 02-08-2024 Heard learned counsel for the petitioner, learned
APP for the State and perused the case diary.

2. The present application is the third attempt made on behalf of the petitioner for grant of regular bail. The petitioner's prayer for bail was earlier rejected by this Court vide order dated 22.03.2021 passed in Cr. Misc. No. 35960 of 2020 and order dated 12.02.2024 passed in Cr. Misc. No. 44732 of 2021.

3. The petitioner seeks bail in Salimpur P.S. Case No. 77 of 2019, instituted for the offences punishable under Sections 302, 394 and 34 of the Indian Penal Code and Section 27 of the Arms Act.

4. The prosecution case, in short, is that, while the son of the informant was returning with his brother-in-law on



motorcycle, they were surrounded by four motorcycle borne miscreants riding two motorcycle and one of the miscreants snatched the mobile phone from the pocket of the son of the informant and fired upon his left chest and fled away from the spot. The son of the informant was shot dead.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in the present case. No incriminating material has been recovered from the conscious possession of the petitioner. Learned counsel for the petitioner also submits that the petitioner was not arrested at the place of occurrence. Name of the petitioner has transpired on the basis of his own confessional statement which was recorded before police in Salimpur P.S. Case No. 90 of 2019 and the same has got no evidentiary value. No T.I. parade has been conducted in this case. The petitioner has been remanded in this case on 02.03.2020 and has got two criminal antecedents in which he is on bail.

6. Learned APP for the State has vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State also submits that name of the petitioner has transpired on the basis of his own confessional statement and the petitioner has got two criminal antecedents.



7. A report was called for with regard to present stage and the number of witnesses to be examined in this case. It is submitted that only two witnesses out of eight witnesses have been produced by the prosecution.

8. Considering the nature of accusation against the petitioner and the gravity of the offence, this Court is not inclined to grant bail to the petitioner.

9. The prayer is rejected. The Trial Court is directed to expedite the trial expeditiously. However, if the trial is not concluded within a period of six months from the date of receipt/production, the petitioner will have liberty to renew his prayer for bail in the Court below.

10. The District Magistrate, Patna, and the 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.

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

(Rudra Prakash Mishra, J)

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