

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.50373 of 2024

Arising Out of PS. Case No.-760 Year-2023 Thana- HAJIPUR SADAR District- Vaishali

Prabhat Kumar @ Sonu S/o Late Raj Kumar Das R/o vill - Chakbandhari
Bishnupur, Balwadhati, P.S. - Hajipur Sadar, Distt. - Vaishali

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Jharkhandi Upadhyay, Advocate
For the Opposite Party/s	:	Mr. Anil Kumar, APP
For the Informant	:	Mr. Shivjee Singh, Advocate
		Mr. Mukesh Kumar, Advocate

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

ORAL ORDER

3 21-09-2024 Heard learned counsel for the petitioner, learned
APP for the State, learned counsel for the informant and perused
the case diary.

2. The petitioner seeks bail in Hajipur Sadar P.S. Case
No. 760 of 2023, instituted for the offences punishable under
Section 302/34 of the Indian Penal Code and Section 27 of the
Arms Act.

3. The prosecution case, in short, is that, while
sleeping, some unknown miscreants entered into her house and
shot dead her husband and fled away from the spot.

4. 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 further submits that the petitioner is not named in the FIR. Name of the petitioner has transpired on the basis of confessional statement of the informant who was arrested on the basis of suspicion during the course of investigation and the same has got no evidentiary value. The petitioner is in custody since 21.12.2023 and has got no criminal antecedent.

5. Learned APP for the State and learned counsel for the informant have vehemently opposed the prayer for grant of bail to the petitioner. Learned APP for the State further submits that there is direct allegation against the petitioner of giving Rs. 35,000/- to his partner to commit murder of the deceased. Hence, the petitioner does not deserve the privilege of bail.

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

7. 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.

(Rudra Prakash Mishra, J)

Rajorshi/-

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