

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51718 of 2024

Arising Out of PS. Case No.-394 Year-2018 Thana- BANKA District- Banka

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RAJESH KUMAR @ RAJESH YADAV @ RAJESH KUMAR YADAV S/O
RAJENDRA YADAV R/O VILLAGE- SHASAN (DUDHORI), P.S AND
DISTT.- BANKA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Pranav Kumar Jha, Advocate

For the Opposite Party/s : Mr. Jharkhandi Upadhyay, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 30-08-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with S.T. no.460 of 2022, arising out of Banka P.S. Case no.394 of 2018 registered under sections 302 and 328 of the Indian Penal Code.

3. As per the prosecution case, the informant states that while she was going with her son, the petitioner made her son to swallow poisonous tablets and escaped. The informant's son died soon thereafter in course of treatment.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 8.11.2023 passed in Cr. Misc. no.57352 of 2023. In spite of the petitioner being in custody since 5.3.2021, the trial has still



not concluded nor there is any chance of the same concluding in the near future. The petitioner has a good case on merits and undertakes to abide by all the conditions which may be laid by this Court for his release on bail.

5. The application 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, all the witnesses except one witness namely Raj Kishore Singh, who happens to be the Investigating Officer of the case, has not been examined. Processes and D.O. letter have been issued for his appearance.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR wherein the informant alleges that the petitioner made her son to swallow poisonous tablets leading to his death and the progress in the trial in the learned trial Court, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. So far as the examination of the only remaining prosecution witness i.e. the Sub Inspector Raj Kishore Singh (Investigating Officer) is concerned, it is directed that if not already examined, the Superintendent of Police, Banka shall



ensure his appearance on the next date in the learned trial Court.

9. The learned trial Court will expedite the trial and conclude the same at the earliest preferably within a period of four months from the date of examination of the only remaining witness.

(Partha Sarthy, J)

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