

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.52900 of 2024

Arising Out of PS. Case No.-262 Year-2021 Thana- ATRI District- Gaya

Ganga Kumar Son of Jatan Singh R/O Vill.- Sarsu, P.s.- Atri, Dist.- Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Sumiran Rai, APP

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

ORAL ORDER

3 28-10-2024 Heard learned counsel for the petitioner and learned APP
for the State. Perused the case diary.

2. The petitioner seeks bail in connection with S. Tr.
No. 70 of 2022 arising out of Atri P.S. Case No. 262 of 2021
instituted for the offence under Sections 302 & 34 of the Indian
Penal Code. Earlier petitioner had moved for regular bail, which
was dismissed as withdrawn *vide* order dated 25-07-2024,
passed in Cr. Misc. No. 3414 of 2023.

3. Prosecution case in short is that co-accused persons
including the petitioner had threatened the father of the
informant to face consequences over some dispute, whereafter
on 09-08-2021, when the father of the informant went to attend
nature's call, he was assaulted by the petitioner by means of
bricks, due to which he died.



4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 09-08-2021. Petitioner bears two criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. It is submitted that deceased was killed by some unknown persons and his dead body was thrown in a water body and nobody had seen the alleged occurrence. Learned counsel next submits that it is unbelievable that someone's father is being killed and he will watch the occurrence from a distance due to fear. There is no independent witness to the occurrence. No incriminating material has been recovered from the possession of the petitioner.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is fervently submitted that there is direct allegation of assault against the petitioner. Learned APP next submits that postmortem report also corroborates the allegation leveled in the FIR.

7. A report was called for from the Trial Court. It has been reported that seven prosecution witnesses including the



Doctor have been examined and only I.O. of this case is yet to be examined and it is further stated that trial is likely to be concluded within a period of six months.

8. Considering the aforesaid facts and circumstances of the case and perusal of the trial court report, wherein it is stated that seven witnesses including the Doctor have been examined and only I.O. of the case is yet to be examined, hence trial is at the verge of its conclusion, therefore, this Court is not inclined to grant bail to the petitioner. Accordingly, prayer for grant of bail is *rejected*.

9. However, petitioner will be at liberty to renew his prayer for grant of regular bail if the trial is not concluded within a period of two months.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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