

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 53708 of 2024

Arising Out of PS. Case No.-176 Year-2022 Thana- PIRPAINTI District- Bhagalpur

Suman Kunwar, Son of Fagu Kunwar, R/o Village- Amapur/ Bakharpur, P.S.-
Bakharpur/Pirpanty, Dist- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Adv. Mr. Baijnath Sah, Adv.
For the Opposite Party/s	:	Mr. Ramesh Chandra, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

3 23-08-2024 Heard Mr. Krishna Prasad Singh, learned senior counsel assisted by Mr. Baijnath Sah, learned counsel appearing for the petitioner and Mr. Ramesh Chandra, learned APP for the State.

2. Petitioner seeks regular bail in connection with (Bakahrpur O.P.) Pirpainty P.S. Case No. 176/2022 dated 10.06.2022 registered for the offence punishable under Section 364 read with Section 34 of the Indian Penal Code.

3. Mr. Krishna Prasad Singh, learned senior counsel appearing for the petitioner submits that one co-accused namely Sonu Kunwar @ Sonu Kumar Kunwar carrying similar nature of allegation has been granted bail by a co-ordinate bench of this Court vide order passed in Cr. Misc. No. 48002/2022 and



the co-accused Jugesh Yadav @ Yogesh Kumar Yadav, who is alleged to have taken away the victim from his house on the pretext of seeing fair, has also been granted bail by another co-ordinate bench of this Court vide order dated 25.07.2023 passed in Cr. Misc. No. 14812/2023 and against this petitioner, there is no direct evidence and only suspicion has been raised in the FIR.

4. Mr. Ramesh Chandra, learned APP appearing for the State has opposed the bail prayer of the petitioner and submitted that against this petitioner, there is thirty criminal cases in addition to the present matter and on this aspect, his case does not stand on similar footing with the co-accused persons who are on bail.

5. Heard both the sides and perused the FIR and other relevant materials. Though in the present matter, two co-accused persons named in the FIR have been granted bail by different co-ordinate benches of this Court but as per petitioner's counsel, the investigation is still pending against the petitioner and the victim has not been recovered till date and further, the petitioner has criminal antecedent of thirty cases which distinguishes his case from other co-accused persons who are on bail. Considering these facts and mainly the petitioner's criminal



antecedent of several cases, and also, pending of the investigation against him, this Court is not inclined to release him on bail. Accordingly, the bail prayer of the petitioner stands rejected.

6. As, according to submission made by petitioner’s counsel the trial of the petitioner has started, so, in view of this fact, the learned trial court is directed to make all endeavours to conclude the petitioner’s trial preferably in the next fifteen months.

(Shailendra Singh, J)

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