

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.56474 of 2024

Arising Out of PS. Case No.-124 Year-2022 Thana- SHYAMPUR BHATHAN District-
Sheohar

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Nitesh Kumar Singh @ Chhotu Singh Son of Sri Vinay Singh @ Vinay
Kumar Singh R/V- RAMBAN, P.S.- SHYAMPUR BHATHAN, DISTT.-
SHEOHAR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. P.N. Shahi, Sr. Advocate Mr. Shivam, Advocate
For the Opposite Party/s	:	Mr. Tarun Prasad Mandal, APP
For the Informant	:	Mr. Shyam Kumar Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 04-10-2024 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the informant.

2. The petitioner has preferred this application for grant of regular bail in connection with Shyampur Bhathan P.S. Case no.124 of 2022 registered under sections 302 and 120B of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the informant states that in the morning at about 6 a.m. while he was seated along with others, the accused persons including the petitioner herein came on different motorcycles. The petitioner and one Amit Kumar Singh resorted to indiscriminate firing from their pistol as a result of which the informant's brother was seriously injured. He was taken to the hospital for treatment where the



doctor declared him dead.

4. Learned Senior counsel appearing for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 13.12.2023 passed in Cr. Misc. no. 55608 of 2023. In reference to the material that has transpired in course of investigation and more particularly paragraph no.148 of the case diary it is submitted that the confessional statement of co-accused has been recorded therein from which it would transpire that the assailants were Mitthu Singh, Sunny, Umesh and Madhu Singh. It is further submitted that the petitioner is in custody since 8.6.2023 and there is no chance of the trial concluding in the near future.

5. The application for bail is opposed by learned APP for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner along with one Amit Kumar Singh are the assailants of the deceased. The allegations in the F.I.R have been supported by the informant in his further statement as also the witnesses in paragraph nos. 15 and 22 of the case diary. It is further submitted that the petitioners/accused are not permitting the trial to proceed and one after the other they are filing discharge petitions.

6. Learned APP for the State submits that from the



contents of the report received from the learned Court below it transpires that co-accused Madhu Singh @ Madhurendra Singh who was enlarged on bail has absented himself from the proceedings in the learned trial Court, his bail bond has been cancelled and non-bailable warrant has been issued against him.

7. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R wherein he is described as the assailant of the deceased together with the contents of the report of the learned trial Court from which it transpires that the co-accused who was enlarged on bail has absconded and the accused are delaying the trial by filing discharge petitions one after the other, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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