

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63520 of 2024

Arising Out of PS. Case No.-91 Year-2023 Thana- CHAUSA District- Madhepura

Arun Singh S/o Jgeshwar Singh R/o vill - Ganggapur Balha Baba ward no.
15, P.S. - Alamnagar (Ratbara OP), Distt. - Madhepura

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ansul, Advocate Mr. Swapnil Kumar Singh, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Nagandra Upadhyay, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

3 06-12-2024 Heard learned counsel for the petitioner; learned APP
for the State and learned counsel for the informant.

2. The supplementary affidavit filed on behalf of
learned counsel for the petitioner is taken on record.

3. The petitioner seeks bail in connection with Chausa
(Fulaut) P.S. Case No. 91 of 2023 registered for the offence
punishable under Sections 341, 323, 307, 302, 504 and 506/34
of the Indian Penal Code and Section 27 of the Arms Act.

4. The following order was passed in Cr. Misc. No.
41984 of 2023, which reads as under:

*“Heard learned counsel for the
petitioners and learned A.P.P. appearing on
behalf of the State.*

*2. The petitioners seek regular bail in
connection with Chausa (Fulaut o.p.) P.S. Case*



No. 91 of 2023, registered for the offence punishable under Sections 341, 323, 324, 307, 302, 504,506/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per prosecution, the accused persons including the petitioners have shot at the deceased. The specific allegation against the petitioners are of shooting the deceased, this Court is not inclined to grant bail to the petitioners.

4. Accordingly, the prayer of the bail of the petitioners are hereby rejected.

5. Though, the learned counsel for the petitioners has tried to distinguish the case of the petitioner by relying upon the postmortem report also, I am not inclined to accept the argument of learned counsel for the petitioners.”

5. It has been submitted by learned counsel for the petitioner that in the trial four witnesses have been examined out of which three have turn hostile.

6. Learned counsel for the petitioner on the fact that three witnesses have become hostile has renewed his prayer for bail.

7. The Hon'ble Supreme Court in the case of **X vs. State of Rajasthan & Anr.** reported in **2024 SCC Online SC 3539** has observed that once the trial has started and the witnesses are being examined, the accused persons should not be granted bail ordinarily. If the trial is delayed by the prosecution then the case for bail can be considered.

8. In the present case, the trial has started and four



witnesses have been examined.

9. In view of the law laid down by the Hon’ble Supreme Court and the fact that the petitioner is the assailant of the deceased, this application is dismissed.

10. The Court below is directed to expedite the trial.

(Sandeep Kumar, J)

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