

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64141 of 2024

Arising Out of PS. Case No.-236 Year-2019 Thana- BARHIYA District- Lakhisarai

1. Gangadhar Kumar Son Of Shiv Jee Ram Vill - Ara, P.S. - Ara Town, District - Bhojpur
2. Vikash Kumar @ Tarjan Kumar Son Of Shankar Raut Village- Barahiya, Ps- Barahiya, Dist- Lakhisarai

... .. Petitioners

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rabi Bhushan, Advocate

For the Opposite Party/s : Mrs.Rita Verma, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

3 18-11-2024 Heard learned counsel for the petitioners and learned APP for the State. Perused the case diary.

2. The petitioners seek bail in Sessions Trial No. 56 of 2020 arising out of Barahiya P.S. case No. 236 of 2019 instituted for the offences under Sections 302, 201, 120(B), 34 of the Indian Penal Code and Section 27 of the Indian Penal Code.

3. Prosecution allegation, in short, is that the informant received information that a dead body with injury mark was lying in the street. It is suspected that the deceased received gun shot injury.

4. Learned counsel for the petitioners submits that the



petitioners are innocent and have falsely been implicated in the present case merely on the basis of suspicion. The petitioners are not named in the F.I.R. General, omnibus and vague allegation have been made against the petitioners. There is no eye witnesses to the alleged occurrence. Learned counsel for the petitioners further submits that the petitioners are in custody since 01.12.2019 and have no criminal antecedent.

5. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioners.

6. A report was called for from the Trial Court. It has been reported by the Trial Court vide letter dated 19th September, 2024 that the case is running at the stage of evidence and out of six charge-sheet witnesses, five witnesses have been examined and one official witness i.e. I.O. of the case has to be examined.

7. Considering the aforesaid facts and circumstances of the case as also report of the Trial Court, this Court is not inclined to grant bail to the petitioners.

8. The prayer is rejected. The Trial Court is directed to take all necessary steps to conclude the trial expeditiously.

10. The District Magistrate, Lakhisarai and the Superintendent of Police, Lakhisarai are also directed to take



necessary steps to produce the remaining witness i.e. I.O. on the date fixed in the Trial Court so that the trial could be concluded expeditiously.

11. Let this order be communicated to the District Magistrate, Lakhisarai and the Superintendent of Police, Lakhisarai.

(Rudra Prakash Mishra, J)

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