

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58197 of 2023

Arising Out of PS. Case No.-596 Year-2019 Thana- MADHAURAH District- Saran

=====

ABHISHEK RAJ @ ABHISHEK SINGH SON OF OM PRAKASH SINGH
RESIDENT OF VILLAGE- PAKAHAN, PS- MARHAURA, DISTT-
SARAN AT CHAPRA

... .. Petitioner/s

Versus

The State of Bihar BIHAR

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Aditya Nath Pandey

For the Opposite Party/s : Mr.Arun Kumar Singh

=====

CORAM: HONOURABLE MR. JUSTICE ALOK KUMAR PANDEY
ORAL ORDER

6 24-01-2024 Heard learned counsel for the petitioner and
learned A.P.P. for the State.

2. The petitioner seeks bail in connection with
Marhaurah P.S. Case No. 596 of 2019 registered for the offences
punishable under Sections 147, 148, 149, 323, 325, 326, 379,
332, 333, 307, 302, 504, 120(B) of the Indian Penal Code and
Sections 25(1-b) a, 26, 35 and 27 of the Arms Act.

3. As per prosecution case, on 20.08.2019 at about
3:30 PM informant, along with other police officials proceeded
from Chapra to Marhaura and reached Marhaura Police Station
at 04.30 p.m. and talked with Officer-in-Charge of Marhaura
Police Station in respect of loot of mobile in Garkha P.S. Case
No. 512 of 2019 which was being used in Marhaura Bazar and,



thereafter, proceeded for Chapra and reached at Marhaura Market in front of L.I.C. office. In the meantime, 8 to 9 persons having rifle, revolver and pistol came on Scorpio and 7 to 8 persons also came there on 4 to 5 motorcycles. All the miscreants got down from the Scorpio and motorcycles and started firing. It is further alleged that police party also tried to open fire in counter, but due to outnumbered of miscreants, the police team could not succeed in counter firing. It is further alleged that miscreants looted the pistols of Mithilesh Sah and Rajnish and AK-47 rifle of Farooque Alam. At the relevant time, petitioner and others were identified out of miscreants. It is further alleged by the informant that prior to 1½ years, in the case of dacoity relating to Rasoolpur Police Station, Rohit Kumar (Bodyguard of Meena Arun and her husband, Arun Singh) was apprehended and sent to jail and due to that reason Arun Singh and his wife Meena Arun (Chairman of the Zila Parishad, Chapra) in-collusion with nephew, Subodh Singh and other made conspiracy and committed the said occurrence. It is further alleged that from the place of occurrence, one rifle, one rod for cleaning the barrel of AK-47 rifle and empty cartridge were recovered. It is further alleged that in the said occurrence, A.S.I. Mithilesh Sah and Constable, Farooque Alam, died.



4. Learned counsel for the petitioner submits that bail prayer of the present petitioner has already been rejected by a co-ordinate Bench of this Court vide order dated 08.02.2021 passed in Cr. Misc. No. 33790 of 2020. He further submits that only four prosecution witnesses have been examined as yet which indicates that pace of trial is slow and there is no likelihood of conclusion of trial in near future. He further submits that the delay of trial is not attributable to the present petitioner as he is in custody since 26.08.2019. Petitioner bears criminal antecedent of one case in which he is on bail.

5. The learned A.P.P. for the State vehemently opposes the prayer for bail of the petitioner and submits that earlier bail prayer of the petitioner has been rejected on merit and there is no fresh ground to grant bail to the petitioner.

6. A report regarding stage of trial has been sought by a co-ordinate Bench of this court and in pursuance of the said direction, the trial court vide letter no. 406 dated 06.10.2023 has sent its report which reveals that nine prosecution witnesses have been examined and trial is likely to be concluded in nine months.

7. Learned counsel for the petitioner submits that three months have already been elapsed from the date of



sending of trial court report.

8. Considering the facts and circumstances of the case, particularly keeping in view that earlier bail prayer of the petitioner has been rejected on merit as well as report of trial court, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail of the petitioner is hereby rejected.

9. However, the trial court is directed to conclude the trial within six months from the date of receipt/production of copy of this order, by putting the trial on day to day basis. If trial is not concluded within the stipulated period of six months, the petitioner may renew his prayer for bail.

(Alok Kumar Pandey, J)

shahzad/-

U		T	
---	--	---	--

