

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.62789 of 2024

Arising Out of PS. Case No.-49 Year-2021 Thana- BUDDHACOLONY District- Patna

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Badri Sahani son of Funnu Sahani Resident of At-Rajapul Dujra Patrol Pump,
P.S. -Buddha Colony, District -Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Rakesh Kumar Sharma, Advocate
For the Opposite Party/s	:	Mr. Abhay Kumar Roy, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 28-10-2024

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for bail in connection with Buddha Colony P.S. Case no.49 of 2021 registered under sections 302 and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the shot fired by the petitioner is said to have hit the informant's brother in his neck leading to his death.

4. It is submitted by learned Senior counsel appearing for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 6.1.2023 passed in Cr. Misc. no.17203 of 2022. In spite of the petitioner having remained in



custody since 6.4.2021 and charge having been framed in the learned trial Court, no witness is appearing on behalf of the prosecution. The petitioner undertakes to cooperate in the trial.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. Learned counsel for the informant submits that not only the petitioner is named in the FIR but he is one of the assailants of the deceased. It is submitted by learned counsel that charge has been framed against the petitioner only on 9.4.2024 and as per oral instructions received, information was not received by the witnesses. The witnesses will appear as and when directed or as and when the dates are being fixed by the learned trial Court.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the FIR wherein he is described as the assailant of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. It is directed that the learned trial Court shall expedite the trial and proceed to examine the witnesses which learned counsel for the informant has submitted will appear on the dates fixed without any delay.

8. The petitioner will be at liberty to renew his prayer



for bail if there is no substantial progress in the trial in the
learned trial Court within a period of six months.

(Partha Sarthy, J)

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