

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78900 of 2023

Arising Out of PS. Case No.-330 Year-2019 Thana- SUPAUL District- Supaul

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SANDEEP KUMAR MISHRA @ SANDEEP MISHRA, Male age about 22 years, sonfo Dayanath Mishra, resident of village-J.P.Nagar, Bhutahi Pokhar, Ward no.26, P.S.-Supaul, District-Supaul.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Jata Shankar Jha, Advocate

For the Opposite Party/s : Mr. Choubey Jawahar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY

ORAL ORDER

6 16-04-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Supaul P.S. Case no.330 of 2019 registered under sections 302, 120B and 34 of the Indian Penal Code and section 27 of the Arms Act.

3. As per the prosecution case, the petitioner is said to have fired from his pistol hitting the son of the informant in his chest as a result of which he fell down injured. On being taken to the hospital, he was declared dead.

4. It is submitted by learned counsel for the



petitioner that the petitioner has been falsely implicated in the case. The manner of occurrence is other than what has been narrated in the FIR and it is for this reason that except for against the petitioner, the police submitted final form against all the other coaccused, however, differing from the same cognizance was taken by the learned Court below. Even though inquest and postmortem examination was conducted on the same day as the date of occurrence, however, for no just and reasonable explanation, for an occurrence which had taken place at 3.30 am on 13.5.2019, the FIR was registered at 1.55 pm on the next day ie on 14.5.2019. In spite of the petitioner having remained in custody for almost 5 years since 23.5.2019, only one witness has been examined on behalf of the prosecution and there is no chance of the trial concluding in the near future.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the allegations against the petitioner in the F.I.R. wherein the petitioner is said to have fired from his pistol hitting the son of the informant in his chest leading to his death, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial and



to conclude the same at the earliest preferably within a period of six months from the date of communication of this order.

(Partha Sarthy, J)

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