

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.76619 of 2023

Arising Out of PS. Case No.-203 Year-2020 Thana- MURLIGANJ District- Madhepura

Bittu Yadav @ Bittu Kumar, Son of Kailash Yadav, R/O Village- Dwarika
Tola, Ward No.10, P.S.- Murliganj, District- Madhepura

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Y.C. Verma, Sr. Advocate Mr.Uday Chand Prasad, Advocate Ms. Pooja Prasad, Advocate
For the Opposite Party/s :		Mr.Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

7 16-02-2024 Heard learned senior counsel for the petitioner and
learned APP for the State.

2. In the present case, the petitioner has renewed his prayer for bail in connection with Sessions Trial No.67 of 2021, arising out of Murliganj P.S. Case No. 203 of 2020, having earlier been rejected by order dated 14.12.2022 passed in Cr. Misc. No. 9163 of 2022, registered for the alleged offences under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

3. As per the prosecution case, the petitioner along with his brother entered into the house of the informant and the petitioner shot at the son of the informant in his chest while he was taking his meal. The son of the informant died on spot. The



co-accused brother of the petitioner was apprehended on spot, whereas the petitioner escaped.

4. The learned senior counsel appearing on behalf of the petitioner submits that this is the second attempt of the petitioner to seek bail from this Court as his earlier prayer for bail was rejected vide order dated 14.12.2022 passed in Cr. Misc. No.9163 of 2022. The learned senior counsel further submits that the petitioner is in custody since 04.07.2020 and till date the prosecution witnesses are being examined. There is no likelihood of early conclusion of the trial. The learned senior counsel further submits that it has come during investigation that the petitioner was having affair with wife of the deceased and probably the deceased committed suicide. The occurrence is stated to have taken in the dead of night and the prosecution story is not believable that the petitioner and his brother entered into the house of the informant and committed murder. The learned senior counsel further submits that while rejecting the prayer for bail on previous occasion, the learned trial court was directed to expedite the trial and conclude the same within nine months, but till today the trial has not been concluded.

5. Learned APP vehemently opposes the submission made on behalf of the petitioner. The learned APP submits that



no fresh ground has been brought on record for reconsideration.

6. Perused the record.

7. In this case, earlier a report has been called for from the learned trial court and the report dated 07.12.2023 has been received wherein the learned trial court has submitted the reasons for delay in not concluding the trial within the stipulated period of nine months. The learned trial court has submitted that due to regular transfer of the presiding officers, the record remained in vacant court for a long period. However, out of seven charge sheet named witnesses, four witnesses have been examined and the prosecution has been directed to produce the Investigating Officer and two other witnesses on the next date fixed on 13.12.2023.

8. At this stage, learned counsel for the petitioner submits that he is not having any information as to whether other witnesses have been examined or not.

9. Having regard to the facts and circumstances and submission made on behalf of the parties, I do not find any new ground to reconsider the prayer for bail of the petitioner since the allegation is quite specific that the petitioner shot dead the son of the informant.

10. Hence, his prayer for grant of bail is rejected.



11. The learned trial court is directed to expedite the trial and conclude the same within next six months.

12. At the same time, the Superintendent of Police, Madhepura is directed to ensure the presence of remaining prosecution witnesses on the dates fixed before the learned trial court. In case, the Superintendent of Police fails to produce the witnesses on the dates fixed, he will be called before this Court to explain his conduct.

(Arun Kumar Jha, J)

V.K.Pandey/-

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