

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.81303 of 2023

Arising Out of PS. Case No.-235 Year-2021 Thana- SONEPUR District- Saran

Sunil Kumar Son of Bachchu Rai @ Bachchu Lal Yadav R/O Village-
Parmanandpur Pokhara Murthan, P.S.- Sonepur, Dist.- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Vasant Vikas
For the Opposite Party/s	:	Md. Ataur Rahman
For the Informant	:	Mr. Yogesh Chandra Verma, Sr. Advocate Md. Azimuddin, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

- 4 02-02-2024 1. Heard learned counsel for the petitioner, learned APP for the State and learned Senior counsel for the informant.
2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no. 606 of 2022 arising out of Sonepur P.S. Case no. 235 of 2021 registered under sections 302, 147, 148, 149 and 120B of the Indian Penal Code and section 27 of the Arms Act.
3. As per the prosecution case, the informant states that while he had gone out with his father 12-14 persons on motorcycles reached there variously armed and as a result of indiscriminate firing by the accused persons including this petitioner, his father died.
4. Learned counsel for the petitioner submits that



the petitioner had been granted bail vide order dated 8.4.2022 (Annexure-1) which was subsequently set aside vide order dated 17.2.2023 by the Hon'ble Supreme Court. On the petitioner renewing his prayer for bail, this Court vide order dated 10.5.2023 rejected the application for bail of the petitioner against which the petitioner once again preferred an appeal before the Hon'ble Supreme Court which was disposed of vide order dated 4.8.2023 with the observation that the dismissal of the special leave petition will not bar the petitioner from filing a fresh application for bail in case of change in circumstance or if the trial gets prolonged due to reasons not attributable to the petitioner or other co-accused.

5. Learned counsel for the petitioner submits that there is no substantial progress in the trial. Only two witnesses have been examined on behalf of the prosecution and there is no likelihood of the trial concluding in the near future. The allegations against the petitioner are general and omnibus in nature and the petitioner has remained in custody for about 1 year 6 months in total. He undertakes to cooperate in the trial.

6. The application for bail is opposed by learned Senior counsel appearing for the informant who submits that the petitioner is one of the assailants of the deceased. The trial



already having commenced, bail should not be granted to the petitioner.

7. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R wherein the petitioner with others is described as one of the assailants together with the trial having commenced in the learned trial Court and two witnesses out of the nine charge-sheet witnesses having been examined in the trial, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

8. The learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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