

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.80927 of 2023

Arising Out of PS. Case No.-493 Year-2020 Thana- PHULWARISHARIF District- Patna

KUNDAN KUMAR @ PILUA SON OF PARMANAND CHAUHAN
RESIDENT OF VILLAGE - RANIPUR, POLICE STATION -
PHULWARISHARIF, DISTRICT - PATNA

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Binay Kumar, Advocate

For the Opposite Party/s : Mr. Nand Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

3 05-01-2024 Heard the parties.

2. The petitioner is in custody in connection with Sessions Trial No. 325 of 2022 arising out of Phulwarisharif P.S. Case No. 493 of 2020 for the offence under Sections 341, 323, 324, 307, 302 and 34 of the Indian Penal Code and section 27 of the Arms Act lodged on 09.09.2020 by the informant, Sunil Kumar Yadav.

3. The allegation in the FIR is that the deceased always used to object to the accused persons gathering around his house and this has infuriated the petitioner herein as also his associates. On the alleged date of occurrence, it has been alleged that it was the petitioner herein who opened fire which resulted into the death of Dharmendra (deceased).



4. Earlier the case of the petitioner was heard and rejected vide order dated 18.07.2022 passed in Cr. Misc. No. 16924 of 2022.

5. Again, a fresh application has been preferred whereafter a report was called for, which has since been received vide letter no. 99 dated 21.12.2023 according to which the matter is pending for prosecution evidence and bailable warrant has been issued to the witnesses.

6. Learned APP for the State submits that there is direct allegation against the petitioner and also there is an eye witness to the said occurrence.

7. Considering the gravity of the matter, for the present, this Court is not inclined to extend him privilege of bail, which is accordingly rejected.

8. In view of the fact that the petitioner is in custody since 10.09.2020 (as stated in paragraph 13 of the bail application), the Trial Court is directed to expedite the trial and conclude the same within a period of nine months from today.

(Rajiv Roy, J)

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