

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83171 of 2024

Arising Out of PS. Case No.-76 Year-2023 Thana- NADI P.S. District- Patna

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1. Aryan Kumar S/o Vijay Kumar R/o vill - Raibag, P.S. - Didarganj, Distt.- Patna
 2. Akhilesh Kumar S/o Shiv Nandan Prasad R/o vill - Rambag, P.S. - Didarganj, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Rahul Singh

For the Opposite Party/s : Mr.Sunil Kumar Pandey

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 18-12-2024 Heard learned senior counsel for the petitioners

Shri P.N. Shahi, learned counsel for the State and learned
counsel for the Informant.

2. This is the second attempt of the petitioners for
grant of regular bail in connection with Sessions Trial No. 686
of 2023 arising out of Nadi P.S. Case No. 76 of 2023 registered
for the offence under Sections 147, 148, 149, 342, 448, 302, 307
and 506 of the Indian Penal Code and under Section 27 of the
Arms Act.

3. The bail application of the petitioners was
rejected earlier considering the fact that the petitioners and other
accused persons are alleged to have committed four murders.



4. Learned senior counsel for the petitioners has submitted that out of 16 witnesses, only two witnesses have been examined and they have not named the petitioners as the assailant of the deceased.

5. Learned senior counsel for the petitioners has further submitted that similarly situated persons have been granted bail.

6. Learned APP for the State and learned counsel for the informant has opposed the application of the petitioners for grant of bail and have submitted that the trial has been delayed by the accused persons as one of the accused has absconded. They also submit that the prosecution i.e. the informant side will produce the witnesses on the dates fixed in the trial and will not delay the trial.

7. The petitioners are in custody since 21.02.2023.

8. I have heard and considered the submission of the parties.

9. The basis ground of the petitioners for grant of bail is on the ground that though the trial has commenced but the same is delayed as 14 witnesses are yet to be examined. The examination of 14 witnesses will take time and therefore the petitioners may be granted bail.



10. The petitioners are accused of committing four murders and there are allegations against them.

11. The Hon'ble Supreme Court in the case of ***X Vs. State of Rajasthan and Anr.*** reported in ***2024 SCC OnLine SC 3539*** has held as follows:-

Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.

12. In view of the aforesaid Judgment of the Hon'ble Supreme Court and in view of the fact that the accused persons are alleged to have killed four persons, this Court is not inclined to grant bail to the petitioner.

13. Accordingly, this application is dismissed.

14. The Court below is directed to expedite the trial of the petitioners and conclude the same at the earliest. The trial Court is also directed to split-up the trial of the accused



persons who are attending the trial from that of the accused
persons who have absconded so that the trial of the accused
persons who are attending the trial is not delayed.

(Sandeep Kumar, J)

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