

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4091 of 2024

Arising Out of PS. Case No.-41 Year-2020 Thana- RAMKRISHNANAGAR District- Patna

Chandan Kumar @ Chandan Gop S/o - Om Prakash Yadav R/o Vill.-
Belwargani, Near Anand Mall,P.S.- Alamganj,Dist.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jay Ram Prasad, Adv.

For the Opposite Party/s : Mr.Nawal Kishore Prasad, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 20-04-2024 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the fourth attempt for bail of the petitioner. Firstly, the petitioner had moved before this Court in Cr. Misc. No. 26329 of 2020 which was rejected vide order dated 02.12.2020 passed by a Co-ordinate Bench of this Court. Secondly, the petitioner filed Cr. Misc. No. 46905 of 2021 which was withdrawn vide order dated 15.12.2021. The petitioner again filed Cr. Misc. No. 47567 of 2022 which was rejected vide order dated 21.12.2022.

3. The petitioner seeks bail in connection with Special Case No. 931 of 2020 arising out of Ramakrishna Nagar P.S. Case No. 41 of 2020 instituted for the offences under



Section 27 of the Arms Act and Section 30(a) of the Bihar Prohibition and Excise Amendment Act, 2018.

4. The allegation against the petitioner is of being involved in commission of murder of the younger brother of the Informant/Ajeet Kumar @ Banti. It is alleged that the police has recovered a motorcycle bearing Regd. No. BR01CU-8168 along with approximately 20 liter country made illegal wine from the place of occurrence.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. The petitioner is not named in the F.I.R. and he has been implicated in the present case on the basis of suspicion. There is no eye-witness to the alleged occurrence. He further submits that in the entire case diary as also the CCTV footage, nothing has come against the petitioner. There is no specific and direct allegation against the petitioner rather the same is omnibus and general in nature. The petitioner has one criminal antecedent in which he is on bail as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 29.02.2020 and the charge-sheet after investigation has been submitted in this case.



6. Learned counsel for the petitioner has also filed supplementary affidavit stating therein that the the witness namely Pinki Devi, who had disclosed during investigation that the petitioner and the deceased are illegal liquor businessman and the deceased used to sell illegal wine in the area of the petitioner and, on that cause, the petitioner managed and planned the murder of the deceased, has been declared hostile.

7. On the other hand, the learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the allegation made against the petitioner is serious in nature and, thus, the petitioner does not deserve bail.

8. Pursuant to the order passed by a Co-ordinate Bench of this Court, the learned court below has sent its report dated 16.02.2024 stating therein that out of 10 charge-sheet witnesses, 5 witnesses have been examined. It has also been stated that the time likely to be consumed in concluding the trial is six months.

9. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the report sent by the learned court below, this Court is not inclined to grant bail to the petitioner at



this stage.

10. Accordingly, the prayer for bail of the petitioner is rejected with a direction to the court below to conclude the trial expeditiously preferably within a period of six months from the date of receipt/production of a copy of this order.

11. If the trial is not concluded within the aforesaid period of three months, the petitioner is given liberty to renew his prayer for bail before the court below which will be decided on its merit without being prejudiced by this order.

12. The District Magistrate, Patna and the Superintendent of Police, Patna are hereby directed to ensure presence of the prosecution witnesses in time as when required by the court below.

13. Let a copy of this order be sent to the District Magistrate, Patna and the Superintendent of Police, Patna for strict compliance of this order.

(Rudra Prakash Mishra, J)

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