

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL APPEAL (SJ) No.2240 of 2023

Arising Out of PS. Case No.-221 Year-2019 Thana- SHAHPUR PATORI District- Samastipur

Rupesh Kumar @ Rupesh Thakur @ Rupesh Kumar Thakur S/O Rakesh Kumar Thakur R/O Village- Gorgama, P.S- Patori (Shahpur Patori), Distt.- Samastipur, through legal guardian Sudha Devi (the mother of appellant),(F) aged about 49 years, W/O Rakesh Kumar Thakur, R/O Village Gorgama, P.S- Patori (Shahpur Patori), Distt.- Samastipur.

... .. Appellant/s

Versus

1. The State of Bihar
2. Nandani Devi W/O Late Umakant Chaudhary R/O Village- Imansarai, P.S- Patory, Distt.- Samastipur.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Bijay Bhushan Prasad, Advocate
For the Respondent/s : Mr. Zeyaul Hoda, APP

CORAM: HONOURABLE MR. JUSTICE BIBEK CHAUDHURI
ORAL ORDER

10 31-01-2025 This is an appeal filed on behalf of the
CICL/Appellant praying for bail. The instant appeal is taken up
for hearing.

2. Previously the appellant preferred an appeal before
this Court, which was registered as Criminal Appeal (SJ)
No.2966 of 2021 and this Court refused to grant bail to the
CICL/Appellant. Considering the Social Investigation Report of
the appellant submitted by the Probation Officer and the mental
development and criminality of the appellant.

3. The appellant has renewed his prayer for bail by
filing the instant appeal on the ground that in the order dated



16.02.2022 the Coordinate Bench directed before the Trial Court to conclude the hearing of the case preferably within a period of nine months from the date/receipt of production of order, taking into account that the appellant is in custody since 27.05.2020.

4. It is submitted by the learned Advocate for the appellant that when the offence was committed, the appellant was aged about 17 years 5 months and few days. He is in custody for more than four years, the trial of the case has not been concluded as yet. Therefore, the appellant is entitled to be released on bail.

5. The appellant has been facing Trial for committing an offence under Section 302 of the I.P.C. It is the allegation that the appellant committed murder of the husband of the defacto complainant by firing. When the offence was allegedly committed the appellant was more than 16 years of age. It is presumed that he had immense knowledge about the consequence of the act committed by him. From the order passed by a Coordinate Bench it is ascertained that the appellant has not amended his behavior.

6. Considering such aspect of the matter, I am not inclined to released the appellant on bail.

7. The appeal is therefore, dismissed.



8. The Trial Court is specifically directed to conclude the hearing within six months from the date of communication of this order.

(Bibek Chaudhuri, J)

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