

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60975 of 2025

Arising Out of PS. Case No.-377 Year-2023 Thana- FALKA District- Katihar

Prince Kumar S/O Pramod Harijan R/O village Goth, Kharik, P.S. and Post-Kharik Bazar, Dist.- Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raj Dular Sah, Advocate

For the Opposite Party/s : Mr. Aditya Narayan Singh.1, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 17-10-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Sessions Trial no.349 of 2024 (arising out of Falka P.S. Case no.377 of 2023) registered under sections 302, 307, and 34 of the Indian Penal Code and sections 25(1-B)(a), 26, 27 and 35 of the Arms Act.

3. As per the prosecution case, the informant states that two unknown accused persons came on a motorcycle and started to talk to her husband. They asked for a gutkha which her husband went to fetch from the shop. Thereafter, it is stated that the accused wearing a black jacket fired from a country made pistol hitting the husband of the informant in his ribs as a result of which he fell down injured. The accused started to flee away leaving their motorcycle, however the assailant was



caught by the co-villagers. On inquiry, he disclosed his name as Prince Kumar ie the petitioner herein. On search, a country made pistol and a live cartridge besides other articles were recovered from his possession. On inquiry, he disclosed the name of the other accused as Vinay Kumar. The accused who had managed to escape was also caught by the police with the assistance of the villagers. The injured was taken to the hospital.

4. Learned counsel for the petitioner submits that the earlier prayer for bail of the petitioner was rejected vide order dated 20.9.2024 passed in Cr. Misc. no.44734 of 2024 directing the learned trial Court to expedite the trial. In spite of the petitioner having remained in custody since 26.10.2023 and cooperating in the trial, only four witnesses out of the seven chargesheet witnesses have been examined and there is no chance of the trial concluding in the near future. The petitioner undertakes to cooperate in the trial and to abide by any conditions which may be laid by this Court for his release on bail.

5. The application for bail is opposed by learned A.P.P. for the State. It is submitted that as per the allegation in the FIR, the petitioner who is the assailant of the husband of the informant was caught at the place of occurrence.



6. Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR of his being the assailant of the deceased together with the examination of witnesses in the learned trial Court having commenced and four witnesses having been examined on behalf of the prosecution, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial.

(Partha Sarthy, J)

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