

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.65860 of 2024**

Arising Out of PS. Case No.-208 Year-2022 Thana- DANAPUR District- Patna

Nitish Kumar @ Nitish Yadav Son of Late Uday Yadav Resident of Village -  
Anauli, Police Station - Bhagwanganj, District - Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

|                          |   |                                                                        |
|--------------------------|---|------------------------------------------------------------------------|
| For the Petitioner/s     | : | Mr. Ramakant Sharma, Sr. Advocate<br>Mr. Rakesh Kumar Sharma, Advocate |
| For the Opposite Party/s | : | Mr. Jagdhar Prasad, A.P.P.                                             |

**CORAM: HONOURABLE MR. JUSTICE SOURENDRA PANDEY**  
**ORAL ORDER**

8      25-06-2025                      Heard the learned senior counsel for the petitioner  
and the learned Additional Public Prosecutor for the State.

2. The petitioner seeks bail in connection with Sessions Trial No. 498 of 2023 arising out of Danapur P.S. Case No. 208 of 2022, registered for the offences punishable under Sections 302, 34 and 120B of the Indian Penal Code and 27 of Arms Act.

3. The prosecution case is to the effect that the informant has alleged that some miscreants had indiscriminately fired upon her husband causing injuries on the head and chest leading to his death.

4. The learned Senior Counsel for the petitioner submits that the petitioner is not named in the FIR and his name



has surfaced in the confessional statement of co-accused Rajnish Kumar. It has further been submitted that no incriminating article has been recovered from the conscious possession of the petitioner and barring confession and the confessional statement of co-accused, there is nothing to connect the petitioner. The learned senior counsel has next submitted that the confessional statement before the police has no evidentiary value and till date the trial has also not proceeded ahead and only one prosecution witness has been examined as on 27.05.2025.

5. The learned Additional Public Prosecutor for the State has vehemently opposed the prayer for bail.

6. This Court had called for a report from the learned Trial Court with regard to the status of the stage of trial and the learned Trial Court has submitted a report that the summons have been issued to the prosecution witnesses and has requested that four months time may be granted to complete the trial.

7. Considering the aforesaid submissions and taking into account the nature of allegation upon the petitioner, I am not inclined to grant the petitioner privilege of bail.

8. Accordingly, the prayer for bail is rejected.

9. The learned Trial Court is directed to expedite the trial on day to day basis and and see to it that that the trial is



concluded within four months.

**10.** Petitioner is granted liberty to approach this Hon'ble Court with a fresh prayer for bail, if the trial is not concluded in the aforesaid four months.

**11.** This Court is constrained to record that in pursuance to the order of this Court passed on 01.05.2025 especially in Para-3 wherein it was directed that a show-cause be filed stating as to why the order dated 10.01.2025 was not complied with. The show-cause dated 16.05.2025 by the learned Trial Court has stated that in compliance of order dated 10.01.2025 of this Court, a report was submitted on 31.01.2025 and a copy of the same has also been annexed.

**12.** This Court fails to understand that the learned Trial Court cannot even appreciate the directions of this Court as this Court had specifically in Para-4 of its order dated 10.01.2025 had directed.

*“Trial Court is directed to submit a report in this matter within four weeks that what action has been taken after passing of the said order against the petitioner, though the petitioner is in custody since 16.06.2022”.*

**13.** And in pursuance to such direction the learned Trial Court had sent a report of 31.01.2025 stating that this Court had asked for the stage of trial and had sent the same.



**14.** Even after the order dated 01.05.2025 the learned Trial Court has failed to appreciate a simple direction given in Para-4 of the order dated 10.01.2025, which had not asked for the stage of the trial.

**15.** This Court cautions the learned trial court to be more cautious in following the directions of this Court in future.

**16.** Let this order be communicated to the concerned Court through the Principal Dist. & Sessions Judge, Patna by the Registry.

**(Sourendra Pandey, J)**

Siwani/-

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