

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67959 of 2025

Arising Out of PS. Case No.-94 Year-2024 Thana- NEORA District- Patna

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Tunnu Kumar S/O Late Baldev Ray Resident of Village- Bechu Tola, P.S.-
Neura, District- Patna, Bihar

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Girjish Kumar, Advocate

For the Opposite Party/s : Mr. Lalan Kumar, APP

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CORAM: HONOURABLE MR. JUSTICE ASHOK KUMAR PANDEY
ORAL ORDER

4 21-11-2025 Heard learned counsel for the petitioner and Mr. Lalan
Kumar, learned APP for the State.

2. Earlier the bail petition of this petitioner was rejected vide order dated 25.02.2025 with an observation that he will be at liberty to renew his prayer for bail after six months if the trial is not concluded.

3. The petitioner has prayed for regular bail in a case registered for the offence punishable under Sections 302, 120(B) and 34 of the Indian Penal Code and under Section 27 of the Arms Act.

4. The case of the prosecution is that the son of the informant, namely, Amlesh Kumar @ Rakesh Kumar was called by someone for some work. When the son of the informant reached there, Upendra Rai caught hold of him and this



petitioner shot him dead.

5. Learned counsel for the petitioner has submitted that till today only one witness has been examined in the trial court though there is no report of the trial court regarding the stage of the trial. Learned counsel for the petitioner has further submitted that in this case no one is eye-witness and one Jakky has given his confessional statement on the basis of which this petitioner has been framed in this case. It has also been submitted that during course of trial PW-1 has been examined and he has stated that he is not the eye-witness and his house is 6-7 minuted away from the place of occurrence. Learned counsel for the petitioner has further submitted that the place of occurrence is not in the village. Learned counsel has also submitted that other co-accused have been granted bail.

6. Learned APP for the State has vehemently opposed the application for bail.

7. Perused the case diary. From perusal fo the case diary it is clear that two witnesses, Ashok Kumar and Rahul Kumar have stated that this petitioner has fired on the head of deceased and from perusal of the diary it is also clear that the statement of this witness recorded by the I.O. prior to the confession of Jakky.



8. Considering the above facts and circumstances of the case, as the petitioner is the main assailant and the trial is still in progress, I am not inclined to grant bail to the petitioner at this stage. Learned trial court is directed to expedite the trial and the petitioner is at liberty to renew his prayer for bail after examination of these two witnesses, namely, Ashok Kumar and Rahul Kumar, if so advised.

(Ashok Kumar Pandey, J)

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