

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72768 of 2024

Arising Out of PS. Case No.-9 Year-2022 Thana- DULHIN BAZAR District- Patna

Shubash Kumar @ Subhash Kumar Son of Late Abhiram Singh Resident of
Village- Sabajpura, Police station- Dulhin Bazar, Distt.- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Uday Narayan Singh, Advocate
For the Informant/s	:	Mr. Ghanshyam, Advocate
For the Opposite Party/s	:	Mr. Harendra Prasad, APP

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

- 4 10-01-2025 1. Heard Mr. Uday Narayan Singh, learned counsel
for the petitioner, Mr. Ganshyam, learned counsel for the
informant and Mr. Harendra Prasad, learned APP for the State.
2. Petitioner seeks regular bail in connection with
Dulhin Bazar P.S. Case No. 09 of 2022 dated 14.01.2022
registered for the offences punishable under Sections 147, 148,
149, 341, 323, 307, 302 and 120(B) of the Indian Penal Code
and Section 27 of the Arms Act.
3. As per the allegation in the FIR, 13 accused persons
including the petitioner were armed with weapons, came to the
house of the informant and started assaulting her husband
namely, Prahalad Singh. On hearing the noise, his son, Samar
Pratap, came to save his father. It is further alleged that the



petitioner and two others opened fire hitting the informant's husband and Ankur Kumar as a result of which the husband of the informant died and Ankur Kumar received gunshot injuries.

4. The main submissions advanced by the learned counsel for the petitioner are that this is the second attempt of the petitioner to get relief of the regular bail as his earlier bail prayer was rejected by co-ordinate Bench of this Court vide order dated 23.01.2024 passed in Cr. Misc. No. 36024 of 2023 giving a direction to the trial Court to expedite the trial of the petitioner and the fresh grounds which entitle the petitioner for the relief are the custody period which has been more than two years and secondly most of the prosecution witnesses have been examined and so far as the merit of the allegation is concerned, as per the informant, he lodged the F.I.R. on 14.01.2022 but the same was received at the office of concerned Magistrate on 19.01.2022 which casts a serious doubt on the prosecution story and the same rises a reasonable probability of fabrication of a false story by the police or the informant. It is further submitted that seven co-accused persons have been granted bail by this Bench as well as co-ordinate Benches of this Court of which details have been given in the petition.

5. On the other hand, learned counsel appearing for



the informant has vehemently opposed the prayer of the petitioner and submits that the petitioner is said to be one of the main assailants and as per the allegation, he and two co-accused persons, Sanju Kumar and Ajit Kumar made three gunshot firing at the informant and others and the trial of the petitioner has started and only two formal witnesses of the prosecution are to be examined in addition to the pending of part, cross-examination of a witness and the trial of the petitioner will be completed very soon.

6. Having considered the submissions made by learned counsel appearing for the informant and taking into account the nature of the allegation against the petitioner as well as the stage of his trial, this Court is not persuaded to take a lenient approach towards the petitioner's prayer. Accordingly, his prayer stands rejected.

7. The trial court is expected to conclude the trial at the earliest keeping in view the fact that the petitioner has been languishing in judicial custody since 13.11.2022.

(Shailendra Singh, J)

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