

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.78370 of 2024

Arising Out of PS. Case No.-103 Year-2022 Thana- KASHICHAK District- Nawada

Arun Kumar Son of Awadhesh Singh Resident of Village - Daulachak, Police
Station - Kashichak in the district of Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Sunil Kumar, Adv.

For the Opposite Party/s : Mr.Anil Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

4 10-01-2025 Heard learned counsel for the petitioner and learned

APP for the State. Perused the case diary contained in Cr.

Misc. No. 73368 of 2024.

2. This is the second attempt of the petitioner for

bail. The petitioner has earlier moved before this Court with a

prayer for bail which was rejected vide order dated

22.08.2023 passed in Cr. Misc. No. 15479 of 2023.

3. The petitioner seeks bail in connection with S.Tr.

No. 318 of 2022 arising out of Kashichak P.S. Case No. 103

of 2022 instituted for the offences under Section 302/34 of

the I.P.C.

4. As per prosecution case, the accusation against



the accused persons including the petitioner is of assaulting the deceased/Informant's brother by means of rod and, thereafter, committing murder by firing.

5. Learned counsel for the petitioner submits that the petitioner is an innocent person and has falsely been implicated in the present case due to admitted land dispute. The petitioner has no criminal antecedent and is in judicial custody since 21.09.2022. The charge-sheet has been submitted in this case. There is no eye-witness to the alleged occurrence. It is submitted that other co-accused has been granted bail by this Court vide order dated 01-12-2023, passed in Cr. Misc. No. 75185 of 2023.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner, stating that the offence alleged is serious in nature and the petitioner is the named accused in the FIR. There is specific and direct allegation against the petitioner of firing upon the Informant's brother due to which he succumbed to injury and the postmortem report also support the allegations as alleged in the F.I.R. In course of investigation, several witnesses have



also supported the prosecution case. The prayer for bail of co-accused persons has already been rejected by a Co-ordinate Bench of this Court vide order dated 28-04-2023 passed in Cr. Misc. No. 59443 of 2022. Learned counsel for the State further submits that the prayer for bail of the co-accused Ajay Kumar @ Ajay Singh has also been rejected by this Court vide order dated 20.12.2024 passed in Cr. Misc. No. 73368 of 2024.

7. In compliance to the order of this Court dated 30.10.2024, the learned court below has sent the status report of the case dated 16.11.2024 which is kept on record. From perusal of the same, it appears that the charge has already been framed on 12.04.2023 and out of 10 charge-sheet witnesses, 06 prosecution witnesses have been examined till date and the proceedings of the case is kept on top priority.

8. Having heard rival contention of both the parties and there being direct and specific allegation of firing against the petitioner as also taking into consideration the advance stage of the trial, this Court is not inclined to grant bail to the



petitioner at this stage.

9. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same expeditiously without there being any undue delay and unnecessary adjournment.

(Rudra Prakash Mishra, J)

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