

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.86894 of 2024

Arising Out of PS. Case No.-183 Year-2023 Thana- MUSRIGHRARI District- Samastipur

Md. Dulare @ Sahil Son of Md. Afroj Resident of village- Harpur alloth PS
-Musrigharari District- Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Abhay Shanker Singh, Advocate
For the Opposite Party/s	:	Mrs. Nirmala Kumari, APP
For the Informant	:	Mr. Sandip Kumar Gautam, Advocate

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 15-02-2025

1. Heard learned counsel for the parties.

2. The petitioner has renewed his prayer for grant of regular bail in connection with Musrigharari P.S. Case no. 183 of 2023 registered under sections 307 and 34 of the Indian Penal Code and section 27 of the Arms Act to which section 302 of the Indian Penal Code was added subsequently.

3. As per the prosecution case, the informant states that his only son had gone to see the arrangement for the *baratis* to stay when the informant heard a gunshot. Soon thereafter he saw the petitioner along with others with his son who had a gunshot injury in his head. His son was taken to the hospital for treatment from where he was referred to the DMCH. The informant states that he is convinced that the accused persons



including the petitioner herein as a result of previous enmity have shot him causing serious injuries. The F.I.R. was registered under sections 307 and 34 of the Indian Penal Code and on the son of the informant having died, section 302 of the Indian Penal Code was added.

4. It is submitted by learned counsel for the petitioner that the earlier prayer for bail of the petitioner was rejected vide order dated 24.4.2024 (Annexure-1) passed in Cr. Misc. no. 14300 of 2024 giving liberty to the petitioner to renew his prayer for bail after six months. It has been more than 9 months since passing of the said order. However, inspite of the petitioner fully cooperating, the trial has still not concluded and the official witnesses still remain to be examined. With respect to the prosecution witnesses examined in course of trial, it is submitted that they have tried to improve upon the case as narrated in the F.I.R. and in course of investigation. Though they were not an eye witness to the occurrence, now in course of trial they are claiming to be an eye witness. The petitioner undertakes to cooperate in the trial and thus in view of the liberty granted in the earlier order of rejection, he be enlarged on bail. The petitioner is in custody since 16.11.2023.

5. The application for bail is opposed by learned APP



for the State and learned counsel for the informant. Learned counsel for the informant submits that the petitioner is involved in the killing of his son as a result of gunshot injury sustained by him in his head as a result of previous enmity. The prosecution witnesses have supported the prosecution case and the trial is near conclusion with only two official witnesses remaining to be examined.

6. Having heard learned counsel for the parties and taking into consideration the allegations in the F.I.R., the material that has transpired in course of investigation and especially the trial being near its conclusion in the learned trial Court with only two official witnesses remaining to be examined, 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 and to conclude the same at the earliest preferably within a period of six months.

(Partha Sarthy, J)

avinash/-

U		T	
---	--	---	--

