

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.1899 of 2025

Arising Out of PS. Case No.-49 Year-2023 Thana- SAHARSA SADAR District- Saharsa

Baiju Kumar, (M), aged about 32 years, S/O Javahar Yadav, R/O Vill.- Rahua
Dhobouli, Ward no. 8, P.S.- Sour Bazar, Dist.- Saharsa.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mrs. Rashmi Jha, Advocate
For the Opposite Party : Mrs. Madhuri Lata, A.P.P.

**CORAM: HONOURABLE MR. JUSTICE CHANDRA PRAKASH
SINGH**

ORAL ORDER

3 30-04-2025 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

2. The petitioner seeks bail in Sessions Trial No. 139 of 2023, arising out of Saharsa Sadar P.S. Case No. 49 of 2023 dated 22.01.2023 registered for the offences punishable under Sections 302, 506 read with Section 34 of the I.P.C. and Sections 25(1-B) a, 26 and 27 of the Arms Act.

3. As per the prosecution case, on 21.01.2021 at about 2.00 P.M. in the night, the informant alongwith her husband was sleeping in her parental house, in the meantime, the petitioner entered her room and committed murder of the informant's husband with firearms.

4. The prayer for bail of the petitioner was earlier dismissed as withdrawn by the Co-ordinate Bench of this Court



in Cr. Misc. No. 48595 of 2023 vide order dated 24.01.2024, annexed as Annexure-1 to the present bail application with a direction to the learned court below to conclude the trial within a period of nine months, failing which the petitioner was at liberty to renew his prayer for bail.

5. Learned counsel for the petitioner has submitted that the petitioner is innocent and has falsely been implicated in the present case. The alleged occurrence took place in the night and there was no door in the room, so, it is difficult to identify any particular person in the night as the informant and her husband were sleeping and there was no light as well. It is further submitted that there was marriage ceremony in the parental house of the informant and many guests and workers were present in the house who tried to commit theft of some costly articles but the informant's husband got up and tried to catch him and during the course of scuffle he shot the deceased and managed to escape. The petitioner has no concern with the alleged offence. The petitioner has two criminal antecedents in which he is on bail as stated in paragraph no. 3 of the bail application. The petitioner is in custody in this case since 23.01.2023.

6. Learned A.P.P. for the State has vehemently opposed



the prayer for bail petition of the petitioner and has further submitted that when the informant alongwith her husband was sleeping in her parental house, the petitioner entered her room and committed murder of the informant’s husband with firearms.

7. Considering the aforesaid facts and circumstances of the case and finding substance in the contention of the learned A.P.P. for the State, this Court is not inclined to grant bail to the petitioner and the same is rejected in Sessions Trial No. 139 of 2023, arising out of Saharsa Sadar P.S. Case No. 49 of 2023.

8. The application stands rejected.

9. The learned trial court is directed to expedite the trial of the petitioner and conclude the same at the earliest.

(Chandra Prakash Singh, J)

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