

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2753 of 2025

Arising Out of PS. Case No.-229 Year-2022 Thana- BARHIYA District- Lakhisarai

Shubham Kumar @ Shubh Kumar S/o Dhirendra Singh @ Pintu Singh @
Dhirendra Kumar R/o Vill- Sadayabigha, P.S.- Barhiya (Birupur), Distt.-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar

For the Opposite Party/s : Mr.Harendra Prasad

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 05-02-2025 Heard learned counsel for the petitioner and learned
APP for the State.

2. This is the second attempt of the petitioner for grant of regular bail in connection with Sessions Trial No. 72 of 2023 arising out of Barahiya P.S. Case No. 229 of 2022 registered for the offence under Sections 302, 201/34 of the Indian Penal Code.

3. As per the prosecution case, the petitioner is accused of killing his wife and child.

4. It has been submitted by the learned counsel for the petitioner that witnesses have turned hostile in the trial and therefore the petitioner may be granted bail.

5. The trial of the petitioner has started and out of



eight witnesses, three witnesses have already been examined.

6. The Hon'ble Supreme Court in the case of ***X Vs. State of Rajasthan and Anr.*** reported in ***2024 SCC OnLine SC 3539*** has held as follows:-

“Once the trial commences, it should be allowed to reach to its final conclusion which may either result in the conviction of the accused or acquittal of the accused. The moment the High Court exercises its discretion in favour of the accused and orders release of the accused on bail by looking into the deposition of the victim, it will have its own impact on the pending trial when it comes to appreciating the oral evidence of the victim. It is only in the event if the trial gets unduly delayed and that too for no fault on the part of the accused, the Court may be justified in ordering his release on bail on the ground that right of the accused to have a speedy trial has been infringed.”

7. In view of the aforesaid Judgment of the Hon'ble Supreme Court and in view of the fact that the petitioner is accused of killing his wife and child, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, this application is dismissed.

(Sandeep Kumar, J)

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