

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.82666 of 2025

Arising Out of PS. Case No.-64 Year-2022 Thana- MEHANDIGANJ District- Patna

Suraj Kumar @ Mona Son of Shivnath Vishwakarma @ Tuntun Mistry @
Shiv Nath Sharma Resident of Mohalla - Bhaisani Tola, Bari Bagicha, P.S. -
Malsalami, District – Patna. Petitioner/s

Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arvind Kumar Pradhan, Advocate
For the Opposite Party/s : Mr.Chandra Sen Prasad Singh, APP
For the Informant : Mr. Vijay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

4 13-02-2026 Heard Mr.Arvind Kumar Pradhan, learned counsel for

the petitioner and Mr. Vijay Kumar for the informant beside

Mr.Chandra Sen Prasad Singh

2. The petitioner is in custody in connection with
Mehandiganj P.S. Case No. 64 of 2022 for the offence punishable
under sections 302, 120-B, 506 and 34 of the Indian Penal Code
and section 27 of the Arms Act, lodged on 17.04.2022 by the
informant, Laljee Sharma.

3. The prosecution story alleges that the petitioner and
Mukesh Kumar opened fire causing the death of his paternal aunt
Chinta Devi. This followed the FIR.

4. Though, the FIR shows that Mukesh Kumar opened
fire, paragraph-29 the case diary records the statement of the
accused-petitioner before the Police wherein he recorded to have
inserted four bullets in the head of his paternal aunt.



5. The Trial Court Report was called for, according to which, though charges have been framed, the prosecution has not produced any witness.

6. The report further shows that that non-bailable warrant issued on 02.09.2025 but it failed to record what happened from 02.09.2025 till the report was sent on 05.01.2026. Clearly, when the petitioner is in custody and the prosecution has failed to produce any witness, the Trial Court shall ensure that the non-bailable warrants issued against the witnesses are executed by the Police and the report be also sought for from ASP, Patna City, Patna as also the S.S.P., Patna in this regard. In any case, it is high time that the trial is taken to its logical conclusion without any unnecessary delay.

7. So far as the bail application is concerned, considering the allegation that has come against the petitioner of putting in four bullets in the head of his paternal aunt, this Court is not inclined to grant him relief. It is accordingly, rejected.

8. The Trial Court shall ensure that all possible steps are taken and the trial is taken to its logical conclusion, preferably within a period of six months.

(Rajiv Roy, J)

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