

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.83508 of 2025

Arising Out of PS. Case No.-166 Year-2021 Thana- AKBARPUR District- Nawada

Lushan Singh @ Amit Kumar @ Lushan Kumar S/o Late Shambhu Singh @
Shambhu Sharan Singh R/o Village- Pirauta, P.S- Akbarpur, Dist- Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Arun Kumar, Advocate

For the Opposite Party/s : Mr.Lalan Kumar, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-01-2026 Heard the learned counsel for the petitioner and the
learned APP for the State.

2. The present petition is by way of third attempt at the
behest of the petitioner for grant of regular bail in connection
with Akbarpur P.S. Case No. 166 of 2021, registered for the
offence punishable under Sections 302/34 of the Indian Penal
Code, inasmuch as the earlier petitions filed by the petitioner for
grant of bail have all stood dismissed.

3. The case of the prosecution, in brief, is that the son of the
informant, namely Niwash Kumar, was working as a cleaner on
the truck of one Pramod Singh since the past two months. It is
also alleged that on 11.03.2021 at about 04:00 p.m. in the
evening, the petitioner herein had taken the son of the informant
alongwith him, however when the son of the informant did not



return in the night, she had made search for him and on 12.03.2021, she was informed that her son was lying dead near a pole on the road, whereafter she had gone there and had found the dead body of her son, who had received injuries on the back and wrist of the right hand and over the fingers on the foot.

4. The learned counsel for the petitioner submits that the petitioner is languishing in custody since 23.08.2022 and the only allegation against the petitioner is that he was last seen with the deceased. It is further submitted that the petitioner had earlier filed a bail petition bearing Criminal Misc. No. 54151 of 2024 which was though disposed off as not pressed by this Court by an order dated 18.10.2024, however upon the learned counsel for the petitioner seeking liberty to renew his prayer for bail after lapse of one year, this Court had granted the said liberty, subject to there being no possibility of conclusion of the trial in the near future. Thus, it is submitted since the trial has not concluded, the petitioner should be granted bail.

5. *Per contra*, the learned APP for the State has vehemently opposed the prayer of the petitioner for grant of bail and has submitted that a bare perusal of the earlier order of this Court dated 06.02.2023, passed in Criminal Misc. No. 62019 of 2022, would show that this Court had in detail considered the case of



the petitioner and then had come to the conclusion that there are ample materials on record to suggest the complicity of the petitioner in the alleged crime.

6. This Court had called for a report from the learned Trial Court vide earlier order dated 28.11.2025 with regard to the present stage of the trial and the time likely to be taken to conclude the same, whereupon the learned Court of Additional District and Sessions Judge-IX, Nawada vide letter dated 06.12.2025 has furnished a report wherein it has been stated that out of 14 witnesses, 11 witnesses have already been examined and the trial is likely to be concluded within six months as such this Court finds that the present case is not a case, where there is no possibility of conclusion of the trial in near future.

7. Considering the aforesaid aspect of the matter as also finding that there is no change in circumstance so as to warrant re-consideration of the prayer of the petitioner for grant of regular bail, this Court finds that there is no merit in the present petition, hence the same stands dismissed.

(Mohit Kumar Shah, J)

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