

IN THE HIGH COURT OF JUDICATURE AT PATNA

Criminal Miscellaneous No.46195 of 2015

Arising Out of PS.Case No. -38 Year- 2014 Thana -GOPALPUR District- BHAGALPUR

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Ajay Pandit @ Ajay Kumar Pandit S/o - Sri Parmanand Pandit R/o Mohalla
- Rambagh College Colony, Purnea, P.S. - Sadar Purnea, District - Purnea.

.... Petitioner

Versus

The State of Bihar.

.... Opposite Party

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Appearance :

For the Petitioner/s : Mr. Birendra Kumar Singh, Advocate

For the Opposite Party/s : Mr. Sadanand Paswan, Spl. P.P.

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CORAM: HONOURABLE MR. JUSTICE ASHWANI KUMAR SINGH

ORAL ORDER

2 07-10-2015

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner renewed his prayer for bail in
connection with Sessions Trial No. 640 of 2014 arising out of
Gopalpur (Rangara) P.S. Case No. 38 of 2014 registered for the
offences punishable under Sections 302/201/34 of the Indian Penal
Code, 3(2)(v) of the Scheduled Castes & Scheduled Tribes
(Prevention of Atrocities) Act.

The prayer for bail of the petitioner was earlier rejected
by this Court vide order dated 24.07.2014 passed in Cr. Misc. No.
24918 of 2014.

It is contended that the case is based on circumstantial evidence. The FIR was registered against unknown. On the basis of fardbeyan of village choukidar Rajdeo Harijan on 4.2.2014.

It has been stated by the informant that upon receipt of an information when he reached in Usaira Bahiar then he found that the dead body of an unknown person aged about 50 years lying in the wheat field of one Naresh Pandit. The neck of the body was slit on left side by a sharp cutting weapon. In course of investigation it was found that the dead body was of Laxmi Uraon, a retired teacher of the locality.

It is contended on behalf of the petitioner that subsequent to the rejection of the bail of the petitioner by this Court vide order dated 24.07.2014, co-accused Ramesh Pandit, whose case is identically situated to that of the petitioner, has already been granted bail by a Bench of this Court vide order dated 23.09.2014 passed in Cr. Misc. No. 25214 of 2014. Referring to the impugned order dated 9.4.2015 passed by the trial Judge. It has further been contended that though the petitioner is in custody since 9.2.2014, the charges were framed on 21.10.2014 and the summonses were issued against prosecution witness on 9.12.2014. Apart from the informant of the case, no other witness has been examined on behalf of the prosecution during trial.

Learned counsel for the State has opposed the prayer for bail.

Be that as it may, regard being had to the nature of allegation, I am not inclined to grant bail to the petitioner. Accordingly, the prayer for bail is rejected.

The trial court is directed to conclude the same as early as possible, preferably within nine months from the date of receipt/production of a copy of the order failing which the petitioner would be entitled to renew his prayer for bail in the court below itself.

(Ashwani Kumar Singh, J.)

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