

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.16239 of 2016

Arising Out of PS.Case No. -123 Year- 2005 Thana -FATEHPUR District- GAYA

Rajendra Bhagat Son of Late Shital Bhagat, Resident of Village- Nagma
Tola Shivpur, P.S.- Fatehpur, District- Gaya.

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ambika Bhagat

For the Opposite Party/s : Mr. Abhay Kumar 1 (App)

**CORAM: HONOURABLE MR. JUSTICE JITENDRA MOHAN
SHARMA**
ORAL ORDER

3 17-05-2016 Heard the learned counsel for the petitioner as well
as the learned A.P.P for the State.

The petitioner seeks bail in connection with
Fatehpur P.S. Case No. 123 of 2005 registered for the offence
punishable under Section 302/34 of the Indian Penal Code and
Section 27 of the Arms Act.

Allegedly, Rajo Bhagat son of the informant went
for bringing diesel but he did not return and he was shot dead. It
is alleged that due to land dispute, the petitioner and another co-
accused have killed him and further earlier the son of the
petitioner was killed wherein the deceased was also an accused.

Submission is of false implication and that there is
no specific allegation against the petitioner, there is no eye

witness of the occurrence and only on suspicion, petitioner is suffering in custody since 29.12.2015. Other similarly situated co-accused Nago Gareri and Sewak Gareri have already been allowed bail to which the learned APP opposes the prayer of bail by submitting that the petitioner remained absconding.

In the facts and circumstances stated above, considering the period of abscondance, at present, I am not inclined to enlarge the petitioner on bail and accordingly his such prayer stands rejected in connection with Fatehpur P.S. Case No. 123 of 2005 pending in the Court of learned Judicial Magistrate-1st Class, Gaya.

However, let the trial be expedited and concluded preferably within six months from the receipt or production of a copy of this order.

(Jitendra Mohan Sharma, J)

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