

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.9215 of 2018

Arising Out of PS. Case No.-140 Year-2015 Thana- BALRAMPUR District- Katihar

Tapan Kumar Das S/o Rajendra Kumar Das, R/o Village- Rangpur, P.S.-
Balrampur, District- Katihar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Md. Musowir

For the Opposite Party/s : Mr. DASHRATH MEHTA

CORAM: HONOURABLE JUSTICE SMT. NILU AGRAWAL
ORAL ORDER

3 21-03-2018 Heard learned counsel for the petitioner and learned
APP for the State.

This is the second round of litigation. Earlier the prayer for bail of the petitioner was rejected vide order dated 08.08.2017, passed in Cr. Misc. No. 29924 of 2017.

Petitioner is languishing in judicial custody since 04.01.2016 in connection with S.T. No. 129 of 2016, arising out of Balrampur P.S. Case No. 140 of 2015 for offences punishable under Sections 302 and other allied Sections of the Indian Penal Code.

The prosecution case, as lodged by the informant, is that petitioner along with one Raju Das came to his house in the evening and after having food they slept with his father on the verandah. In the night he heard the screaming sound



of his step-mother. He found her drenched in blood and his father also brutally injured. Petitioner and other co-accused also assaulted the informant giving knife blow but he managed to escape. Thereafter his father and step-mother both succumbed to the injuries.

It has been submitted by the learned counsel for the petitioner that he is innocent and has been falsely implicated in the aforesaid case. He submits that the petitioner is languishing in judicial custody for more than two years and is ready to cooperate in the trial on day-to-day basis.

However, learned APP for the State opposes the prayer for bail stating therein that the informant is an eye-witness and both the father and step-mother of the informant has died due to the said injuries.

Considering the nature of allegations, I am not inclined to grant privilege of bail to the petitioner at this stage in connection with S.T. No. 129/16, arising out of Balrampur P.S. Case No. 140/15, pending in the court of learned A.D.J.-V, Katihar.

Application is, accordingly, rejected. However, the learned court below is directed to expedite the trial and



conclude the same within a period of six months. Petitioner is at liberty to renew his prayer for bail after six months if trial is not concluded by that time.

(Nilu Agrawal, J)

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