

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.6336 of 2018

Arising Out of PS. Case No.-4 Year-2016 Thana- KHUDWAN District- Aurangabad

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Mritunjay Sharma S/o Sri Parshuram Sharma, R/o Village- Kalen, P.S.-
Khudwan, District- Aurangabad.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Ravindra Kumar

For the Opposite Party/s : Mr. Bharat Bhushan

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 04-05-2018 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in Sessions Trial No.123 of
2017/ 148 of 2017 arising out of Khudwan P.S. case No.04 of
2016 registered under Sections 17, 148, 149 and 302 of the
Indian Penal Code, pending in the court of 1st Additional
Sessions Judge, Aurangabad.

The prosecution case, in short, is that on the alleged
date and time of occurrence the informant and his Mausera
brother Ravindra Pandey were returning from the house of one
Manish Sharma and when they reached near the house of one
Tapeshwar Singh, the accused persons including the petitioner
armed with lathi, danda and iron rod restrained the way and
assaulted them brutally, as a result of which Ravindra Pandey



fell down on the ground and in the way to the Hospital he died.

This is the third attempt for bail on behalf of the petitioner. The earlier bail application of the petitioner was rejected vide Annexure-1 to the present application taking into account that he is one of the assailants causing fatal injuries upon the deceased. The postmortem report also corroborated the injury.

A report was called for from the Trial Court regarding the stage of the case. It has been reported that out of seven charge sheet witnesses, six prosecution witnesses have already been examined and the only witness i.e. the Investigating Officer is to be examined.

Considering the aforesaid facts and circumstances and the stage of the trial, I am not inclined to granted bail to the petitioner. The same is rejected.

By order dated 29.03.2017 vide Cr.Misc.No.4539 of 2017, the District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad were directed to ensure that the prosecution witnesses be produced in the court on the date fixed by the Trial Court.

It is unfortunate that in spite of such directions still the Investigating Officer has not been examined in the present



case for the reasons best known to the authorities of the State.

Once again the District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad are directed to take necessary steps to ensure that the official witness Investigating Officer be produced before the Trial Court on the date fixed at the earliest so that his evidence can be recorded by the Trial Court and the trial could be concluded within a period of six months from the date of receipt/production of a copy of this order.

Let this order be communicated to the District Magistrate, Aurangabad and the Superintendent of Police, Aurangabad.

(Sudhir Singh, J)

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