

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9723 of 2019

Arising Out of PS. Case No.-38 Year-2018 Thana- BEERPUR District- Begusarai

Ranjeet Malakar S/o Ramcharitra Malakar, Resident of Village- Maida Babhangama, P.S.- Birpur, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Amrendra Kumar

For the Opposite Party/s : Mr.Narsingh Tanti

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

4 04-09-2019 Heard Mr. Krishna Prasad Singh, learned senior
counsel for the petitioner and learned A.P.P. for the State.

Petitioner seeks regular bail in connection with Birpur P.S. Case No.38 of 2018 registered under Sections 147, 148, 149, 302, 341 and 323 of the IPC.

Learned senior counsel for the petitioner submits that the bail petition of the petitioner was earlier dismissed as withdrawn by order dated 28.09.2018 passed in Cr.Misc. No.60161 of 2018 but thereafter Shyam Kishore Malakar, Ram Kishore Malakar and Anita Devi @ Anita Malakar have been granted regular bail in Cr.Misc.No.77862 of 2018, Cr.Misc.No.69079 of 2018 and Cr.Misc.No.69644 of 2018. The case of the petitioner stands on same footing as the father of the deceased disclosed that while his son Mohan Malakar was



returning and when he reached near the house of Ranjeet Malakar (petitioner), Ranjeet Malakar, Sri Ram Malakar, Raja Malakar, Chandan Malakar, Ram Kishore Malakar, Shyam Kishore Malakar and wife of Ranjeet Malakar caught his son and tied his hand and feet and indiscriminately assaulted him with stick, iron rod and khanti after dragging his son inside the house of Ranjeet Malakar. The informant informed the villagers but nobody turned up to save his son.

Learned senior counsel for the petitioner further submits that the petitioner is also alleged to have assaulted the deceased Mohan Malakar. In fact, the deceased had affairs with the wife of petitioner and the deceased was found inside the house. On alarm, many villagers came and assaulted the deceased and deceased died.

It appears that it was petitioner, who is said to have led the mob and dragged the deceased inside his house. Thereafter the petitioner and others brutally and indiscriminately assaulted the deceased. The deceased died on the spot. From perusal of the postmortem report, it appears that the deceased besides fracture of ribs of both sides, fracture of sternum in its middle portion. There was laceration of lungs of both sides and there was injuries all over the body and this fact



itself shows that how indiscriminately the deceased was thrashed with different weapons. The petitioner is in jail since 07.05.2018.

Having considered the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within nine months from the date of receipt of this order.

The S.P., Begusarai is directed to ensure the presence of prosecution witnesses so that the trial must be concluded within nine months from the date of receipt of this order.

If the trial is not concluded within nine months, the petitioner, if so advised, may renew his prayer for bail.

Let a copy of this order be sent to the trial court as well as the S.P., Begusarai for information and needful.

(Prabhat Kumar Jha, J)

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