

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4223 of 2019

Arising Out of PS. Case No.-25 Year-2017 Thana- SUHAIL District- Gaya

Jogendra Bharti Son of Fakira Bharti, resident of Village- Shohiya Pakari,
P.S.- Salaiya, Distt.- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.S. Jamil Akhtar
For the Opposite Party/s : Mr.Sangeeta Sharma

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

4 07-08-2019 Heard the learned counsel for the petitioner and the
learned APP for the State.

The present petition for grant of regular bail is a second attempt at the behest of the petitioner herein in connection with Sohail P.S. Case No. 25 of 2017 under Sections 147, 148, 149, 342, 448, 324 and 302 of the Indian Penal Code inasmuch as the petitioner had earlier approached this Court for grant of regular bail which was rejected by an order dated 9.7.2018 passed in Criminal Miscellaneous No. 27315 of 2018.

The allegation made in the F.I.R. is regarding the accused persons including the petitioner herein having assaulted the deceased resulting in his death.

The learned counsel for the petitioner has submitted



that the petitioner is languishing in custody since 9.1.2018 and there is no possibility of completion of the trial in near future. It is further submitted that similarly situated co-accused person has already been granted bail by this Court by an order dated 26.4.2018 passed in Criminal Miscellaneous No. 16427 of 2018.

I have heard the learned counsel for the parties and I find from the earlier order dated 9.7.2018, whereby the prayer of the petitioner for grant of regular bail was rejected, that firstly, there is specific allegation against the petitioner of assaulting the deceased by Tangi, which had stood substantiated from the FIR and the case diary. As regards the aforesaid order dated 26.4.2018 passed in the case of the co-accused, it was observed by this Court, in its earlier order dated 9.7.2018, that the co-accused was granted bail by recording a statement in the said order dated 26.4.2018 that since the petitioner of the present case was the main accused, who had assaulted the deceased and against whom specific allegation had been leveled, the co-accused was fit to be enlarged on bail.

Having regard to the facts and circumstances of the case, this Court finds that there has been no change in the circumstances from the date the prayer of the petitioner for grant of regular bail was rejected on 9.7.2018 till date, hence, there is



no occasion to reconsider the prayer of the petitioner for grant of regular bail, especially in view of the petitioner being the main accused, as also the main assailant, who has engaged in a heinous crime.

For the reasons mentioned hereinabove, I do not find any merit in the present petition, accordingly, the same is dismissed.

(Mohit Kumar Shah, J)

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