

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.68478 of 2018

Arising Out of PS. Case No.-381 Year-2017 Thana- UDWANTNAGAR District- Bhojpur

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Buchan Bharti @ Sheo Shankar Bharti, Son of Sheo Kumar Bharti, Resident
of Village- Basauri, Police Station- Udwant Nagar, District- Bhojpur, Ara.

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Chandan Kumar Verma

For the Opposite Party/s : Smt. Meena Singh

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CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH

ORAL ORDER

4 24-01-2019 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner is languishing in custody since 25.01.2018 in a case initially registered for the offences punishable under Sections 341, 323, 307, 504, and 34 of the I.P.C. and Section 27 of the Arms Act. Subsequently, Section 302 of the I.P.C. was also added.

The prosecution case as per the written report of Dharamdeo Bharti submitted to SHO, Udwant Nagar Police Station is to the effect that on 29.11.2017, while the informant



was returning to home from his agricultural field, in the meantime, Shiv Kumar Bharti, Sandhya Devi, Buchan Bharti (petitioner), Ram Tawakya Bharti, Collector Bharti and Ninhi Bharti were sitting on the out portion of the house of Shiv Kumar Bharti. It is further alleged that at about 7.00 P.M., when the informant along with his brother were taking food for the labourers, in the meantime, Shiv Kumar Bharti came and said that his son is in his custody and he will be released only if he transfers five katha of land in his favour. On protest being made by the informant and his brother, co-accused Shiv Kumar Bharti caught hold of the waist and the hand of the informant's brother and ordered to kill him. Thereafter, co-accused Sandhya Devi brought pistol when the petitioner fired on the chest and stomach of the brother of the informant, as a result, he got badly injured and fell down. It is further alleged that other accused persons also assaulted the informant with lathi and danda. Thereafter, the informant's brother was taken to the hospital where he succumbed to the injuries.

It is submitted by learned counsel for the petitioner that the petitioner is agnate of the informant and in the background of land dispute, the accusation has been levelled against the petitioner. It is further submitted that FIR was



registered after 21 hours of the occurrence.

Learned APP after going through case diary submits that the petitioner is the main assailant and the medical report also corroborates the accusation.

Considering the fact that the petitioner is the main assailant and the accusation is corroborated by the medical report, this Court is not inclined to grant bail to the petitioner for the present, in connection with **Udwant Nagar P.S. Case No. 381 of 2017** pending in the Court of learned **Chief Judicial Magistrate, Bhojpur (Ara)**.

Accordingly, prayer for bail of the petitioner is rejected.

The report of the learned C.J.M., Bhojpur at Ara dated 11.01.2019 reflects that the case has not been committed to the Court of Sessions since the investigation with regard to some other accused persons is still pending. In the circumstances, the S.P., Bhojpur is directed to get the investigation concluded without delay if it has not been concluded and thereafter it is expected from the learned C.J.M., Bhojpur at Ara to get the case committed to the Court of Sessions immediately and expedited the trial.

It is made clear that if the trial is not concluded within



a period of five months, the petitioner would be at liberty to
renew the prayer for bail.

(Dinesh Kumar Singh, J)

Deepak/Rahul/-

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