

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26059 of 2020

Arising Out of PS. Case No.-282 Year-2019 Thana- ALOULI District- Khagaria

BHAGWAN DAS Son of Upendra Das @ Tanti Resident of Village -
Dharharba, P.S.- Bithan, District - Samastipur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mrs.Anju Jha
For the Opposite Party/s	:	Mr. Uma Shankar Prasad Singh, APP
For the Informant	:	Mr. Satish Kumar

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 07-12-2020 Due to COVID-19 Pandemic, the matter is being
taken up by way of Virtual Court proceeding.

The matter has been listed under the heading ‘For
Orders’ under the orders of Hon’ble the Chief Justice.

Heard learned counsel for the petitioner and learned
APP for the State. A supplementary affidavit has been filed on
behalf of the petitioner for getting necessary correction in
paragraph 3 of the bail application. The same be kept on record.

The petitioner seeks bail in Alauli P.S. Case No.
282/2019 (G.R. No. 2403/2019) instituted for the offences under
Sections 302, 307, 34, 120(b) of the Indian Penal Code and 27
of the Arms Act.

The prosecution case in short is that the accused



persons surrounded the brother of the informant committed his murder by firing indiscriminately.

It has been submitted on behalf of the petitioner that the petitioner is in custody since 14.11.2019. There is no allegation of tampering of witnesses alleged against the petitioner. Charge-sheet has been submitted in the present case. The petitioner has falsely been implicated in the present case. General and omnibus allegation has been made against the petitioner. Neither any specific overt act is alleged against the petitioner nor there is any specific injury attributed against the petitioner.

On behalf of the State and the informant, it is submitted that the petitioner is named in the F.I.R. Nine persons including the petitioner had made indiscriminate firing. As per post-mortem report, there are four wounds of entry of fire arms injury found on the body of the deceased. The informant is an eye witness to the alleged occurrence. Witnesses in paragraph nos. 7, 8, 22 and 23 of the case diary have supported the prosecution. The petitioner has got 13 criminal cases pending against him.

Considering the aforesaid facts and circumstances, I am not inclined to grant bail to the petitioner. The same is



rejected. The Trial Court is directed to take all necessary steps to conclude the trial within a period of nine months preferably on day to day basis from the date of receipt/production of a copy of this order.

The District Magistrate, Khagaria and the Superintendent of Police, Khagaria are also directed to take necessary steps to produce the remaining witnesses on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

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

(Sudhir Singh, J)

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