

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33325 of 2020

Arising Out of PS. Case No.-230 Year-2019 Thana- KATORIYA District- Banka

BHARAT RAY Son of Late Jagdish Ray, Resident of Village - Kharipar, P.S.-
Katoriya, Distt.- Banka.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vibhakar Kumar, Adv.

For the Opposite Party/s : Mr.Nand Kishore Prasad, APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

2 15-12-2020 Heard both sides through Video Conferencing.

Petitioner seeks bail in Katoriya P.S. Case No.230 of
2019 registered under Sections 448, 454, 302 and 34 of the IPC.

The informant alleged that in the night of 07.12.2019
at about 12:00 his neighbours Bharat Ray (petitioner), Ranjeet
Ray, Chandan Ray, Guddu Ray, Binod Ray and Horla Ray
scaled over the roof of his house and entered inside the
courtyard. The informant further alleged that the accused
persons asked the informant and others to give possession of the
land and there was some verbal altercation. Bharat Ray gave axe
blow on his son Pawan Kumar. The blow hit on the eye of
Pawan Kumar and he died on the spot. On alarm, all the accused
persons fled away.

Learned counsel for the petitioner submits that there is



a land dispute between two sides. The witnesses have made omnibus and general allegation during course of investigation. The petitioner is in jail for about one and half years and there is no substantive progress in the trial. It is further submitted that the case has not yet been committed to the Court of Sessions, but it appears that there is specific allegation against the petitioner that he gave axe blow on Pawan Kumar, who died on the spot. The axe was also recovered from the place of occurrence.

Taking into consideration the facts aforesaid, I am not inclined to enlarge the petitioner on bail. Accordingly, the same is rejected.

The learned Judicial Magistrate, who is in seisin of the case, is directed to commit the case forthwith to the Court of Sessions and on such, the learned Sessions Judge or any other Additional Sessions Judge, in whose court the case is transferred, shall hold the trial on day to day basis and conclude the same within nine months from the date of framing of charge.

The Superintendent of Police, Banka is directed to ensure the presence of prosecution witnesses so that the trial must be concluded within nine months.

Let a copy of this order be sent to the Sessions Judge,



Banka as well as the Superintendent of Police, Banka for
information and needful.

(Prabhat Kumar Jha, J)

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