

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63832 of 2019**

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

BUCHAN BHARTI @ SHEO SHANKAR BHARTI, S/O Sheo Kumar
Bharti, R/O Village- Basauri, P.S.- Udwant Nagar, Dist.- Bhojpur(Arrah).

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jai Vardhan Narayan, Adv.

For the Opposite Party/s : Mr. J. N. Thakur, APP

**CORAM: HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
ORAL ORDER**

4 07-08-2020 The Court proceeding has been conducted through
virtual mode.

Heard learned counsel for the petitioner and Mr. J.N.
Thakur, learned APP for the State.

The petitioner has renewed his prayer for bail 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 languishing in custody since 25.01.2018. The petitioner is the 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. The earlier prayer



for bail of the petitioner was rejected vide order dated 24.01.2019, passed in Cr. Misc. No. 68478 of 2018 with a liberty to the petitioner to renew prayer for bail if the trial is not concluded within a period of five months. Admittedly, the trial has not been concluded and in view of the present pandemic, created due to Covid-19, since the court proceeding is not functional in physical mode, the trial is not likely to be concluded in near future.

Learned APP submits that the petitioner is the main assailant and the medical report also corroborates the accusation and he is named in the FIR.

Considering the rival submissions of the parties, admittedly, the trial is not concluded within the time frame, given while rejecting the earlier prayer for bail of the petitioner. The report of the learned 14th Additional District and Sessions Judge, Bhojpur, Ara, dated 10th of February, 2020 reflects that four witnesses have been examined but since the remaining witnesses could not be produced by the prosecution agency, the trial could not be concluded within the time frame, however, on production of the same, the trial will be concluded within a period of three months.

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 revise the earlier order.

Accordingly, the prayer for bail of the petitioner, in connection with Udwant Nagar P.S. Case No. 381 of 2017 pending in the Court of learned ADJ, XIV, Bhojpur (Ara), is rejected for the present.

It is expected from the S.P., Bhojpur to get the remaining witnesses produced.

If the trial is not concluded within a period of three months of resumption of court proceeding in physical mode, the petitioner will be at liberty to renew prayer for bail.

Accordingly, the present application is disposed of.

(Dinesh Kumar Singh, J)

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