

**IN THE HIGH COURT OF JUDICATURE AT PATNA  
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)  
CRIMINAL MISCELLANEOUS No.14436 of 2021**

Arising Out of PS. Case No.-89 Year-2020 Thana- BHAGWANPUR District- Kaimur  
(Bhabua)

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LAVKUSH BIND S/O JIUT BIND R/O VILLAGE-TARAON, P.S-  
BELAON, DISTRICT-KAIMUR (BHABUA).

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

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**Appearance :**

|                          |   |                                  |
|--------------------------|---|----------------------------------|
| For the Petitioner/s     | : | Mr. Ravi Shankar Sahay, Advocate |
|                          | : | Mr. Chandra Mohan Jha, Advocate  |
| For the Informant        | : | Mr. Praveen Kumar, Advocate      |
| For the Opposite Party/s | : | Mr. Nand Kishore Prasad, APP     |

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD**  
ORAL ORDER

3      04-09-2021                      Learned counsel for the petitioner undertakes to remove all the defects as pointed out by office within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Mr. Nand Kishore Prasad, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Bhagwanpur (Belaon) P.S. Case No. 89 of 2020 registered for the offences punishable under Sections 302/34, 120(B) of the Indian Penal Code.

Learned counsel for the petitioner submits that the entire prosecution story is based on mere suspicion. The dead bodies of the father and brother of the informant were found in the field. It is

alleged that they had gone to watch their vegetable crops and were sleeping there when they were killed. The informant raised suspicion against five persons including this petitioner saying that in past in the year 2008 also these five persons have abducted him and he was taken to a forest area where he was confined for a few days but at that time no F.I.R. was lodged due to certain reasons.

Learned counsel for the petitioner submits that save and except the mere suspicion, there is no eye-witness to the alleged occurrence and no immediate motive has been alleged against the petitioner. It is further submitted that by virtue of the order dated 02.03.2021 passed by a learned co-ordinate Bench of this Court in Cr. Misc. No. 30984 of 2020 (Angad Bind vs. the State of Bihar) the co-accused Angad Bind is going to be released today because the trial could not be concluded within given period of six months.

Learned A.P.P. for the State has opposed the prayer for bail of the petitioner. It is submitted that in the present case the trial is at the fag end and the prayer for bail of the co-accused Jitendra Bind and Pintu Bind have been rejected by a learned co-ordinate Bench of this Court very recently in Cr. Misc. No. 5962 of 2021.

Considering the facts and circumstances of the case, particularly that the report from the learned trial court is showing that out of ten witnesses, six witnesses have already been examined and the trial court is expecting to conclude the trial within two months from the date of resumption of the regular court work and the prayer

for bail of the co-accused Jitendra Bind and Pintu Bind have been rejected recently by a learned co-ordinate Bench of this Court, this Court is not inclined to release the petitioner on bail at this stage. Prayer for bail is, thus, refused.

The learned co-ordinate Bench has observed in Cr. Misc. No. 5962 of 2021 that in case the trial is not concluded within a period of six months from the date of initiation of normal physical proceeding, the petitioners may renew their prayer for bail. Since, now the court has started functioning in hybrid mode and the physical proceeding are being held, this Court directs the learned trial court to keep the case on day to day basis on the dates fixed for physical mode and all endeavours be made to conclude the trial as early as possible and the learned trial court may ensure that the trial is concluded within the period fixed by it in it's report or within the maximum period preferably fixed by the learned co-ordinate Bench failing which the petitioner will have the liberty to renew his prayer for bail.

**(Rajeev Ranjan Prasad, J)**

Rishi/-

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.