

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.16233 of 2021**

Arising Out of PS. Case No.-266 Year-2019 Thana- PATEPUR District- Vaishali

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AKHILESH RAM S/O MR. BHOLA RAM R/O VILLAGE-SAIDPUR
DUMRA, P.S-PATEPUR, DISTRICT-VAISHALI.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Ms.Vaishnavi Singh, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 22-09-2021 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 and Mr. Akhileshwar Dayal, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Patepur P.S. Case No.266/2019 registered for the offences punishable under Sections 302, 201 and 120(B)/34 of the Indian Penal Code and Section 27 of the Arms Act. He is in custody since 18.09.2020. The petitioner has got two criminal antecedents and in both the cases he is on bail.

As per the prosecution story, the chowkidar of the area was on his way to Patepur police station, he saw that the wife of the petitioner was returning to her house after dropping her child in his school. According to the informant, three persons came on one

Apache motorcycle from backside and fired on the head of Nutan Kumari, the wife of informant as a result whereof she died on the spot. The informant further alleges that this petitioner has performed love marriage with the deceased about eight years ago and out of their wedlock they had a son. About four years ago the petitioner and his mother had ousted Nutan Kumari from their house but due to intervention of the villagers a hut was raised on a piece of land belonging to the petitioner in which Nutan Kumari and her child were living. Nutan Kumari had lodged a case against the petitioner of which the decision was due to come on the date of the alleged occurrence.

Learned counsel submits that as per the FIR itself three unknown persons had allegedly fired upon the deceased. The name of the petitioner has been brought in this case on mere suspicion. Learned counsel further submits that the mother of the petitioner has already been granted bail in Cr.Misc.No.10292/2020 whereas this petitioner is in custody since 18.09.2020.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is his submission after going through the case diary that strong motives have been attributed to the petitioner behind his involvement in the alleged occurrence. Learned APP refers to the statements in the case diary in paragraph '7' and has stated that the co-villagers have stated about the involvement of the petitioner who had ousted the deceased from his

house and the deceased was living in the hut raised on the land of this petitioner.

Considering the facts and circumstances of the case and the kind of the materials placed before this Court particularly that the strong motives which have been attributed to the petitioner, this Court is not inclined to release the petitioner on bail at this stage. The prayer for bail is, thus, refused.

Let the trial be expedited.

The learned trial court is expected to proceed with this case as early as possible and conclude the trial preferably within a period of one year from the date of communication of this order.

If the trial still remains unconcluded during this period for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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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'.