

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM OFFICIAL CHAMBERS VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.18036 of 2021**

Arising Out of PS. Case No.-65 Year-2020 Thana- PRATAPGANJ District- Supaul

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GOPAL SHARMA SON OF LATE PANCHI SHARMA RESIDENT OF
VILLAGE- BHALUKUP P.S. PRATAPGANJ, DISTRICT- SUPAUL

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Pramod Mishra, Adv.

For the Opposite Party/s : Mr. Shyam Kumar Singh, APP

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

3 01-10-2021 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. Shyam Kumar Singh, learned A.P.P. for the State.

Petitioner in the present case is seeking regular bail in connection with Pratapganj P.S. Case No.65/2020 registered for the offences punishable under Section 302/34 of the Indian Penal Code. He is in custody since 23.05.2020.

As per the prosecution story, the dead body of the husband of the informant was found near Madhepura sub-Branch Nahar. According to the informant, her husband had left for his tailors and clothes shop at about 9.00 pm on 21.05.2020



for sleeping in the shop.

Learned counsel for the petitioner submits that the petitioner has been named as an accused in the First Information Report alleging that there was a land dispute over a residential piece of land between the petitioner and the informant's family and this petitioner was regularly threatening the informant's family and had threatened that the earning member of the informant's family shall be murdered.

Learned counsel submits that save and except suspicion there is no material against this petitioner and the petitioner has remained in jail for over one year, thus, he deserves privilege of bail.

On the other hand, learned APP for the State has opposed the prayer for regular bail of the petitioner. It is his submission that it is a case of murder during the night hours when the husband of the informant had left his village after taking meal and a strong motive has been alleged against this petitioner, the land dispute has been admitted by the petitioner even in course of hearing, therefore, the motive as alleged cannot be said to be a mere suspicion.

Having regard to the facts and circumstances of the case wherein this petitioner has been specifically named in the



FIR and the dispute over a residential piece of land is admitted by learned counsel for the petitioner, considering the strong motive alleged against this petitioner alone and that the murder has taken place during the night hours when the petitioner had left his village after taking meal, 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 prosecution must cooperate by producing the witnesses on the dates fixed in the matter and all endeavours be made by the learned trial court to keep the records on shorter dates. If the trial still remains unconcluded within a period of one year from the date of communication of this order 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'.

