

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.20541 of 2020

Arising Out of PS. Case No.-364 Year-2018 Thana- BEGUSARAI TOWN District- Begusarai

AJAY KUMAR @ BASIYA @ AJAY PODDAR, aged about 35 years, Male,
son of Dinesh Poddar, resident of Village - Harpur, P.S.- Barauni Refinery
O.P., District - Begusarai.

... .. Petitioner

Versus

The State of Bihar.

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr. Ashok Kumar Mishra, Advocate

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

CORAM: HONOURABLE MR. JUSTICE SHIVAJI PANDEY
ORAL ORDER

4 09-02-2021 Heard learned counsel for the petitioner and learned
APP for the State.

In this case, the petitioner is seeking regular bail in connection with Town P.S. Case No.364 of 2018, registered for the offence under Sections 302 / 34 of the Indian Penal Code and under Section 27 of the Arms Act.

As per the F.I.R. on 25.06.2018 the son of the informant along with his co-villager namely, Ajay Kumar had gone to see the girl for the marriage of his brother. When they came near Machharhatta in Begusaria district, unknown person came and fired upon them, which hit the informant's son. Thereafter, he was taken to the hospital but, he succumbed to the injuries.

Learned counsel for the petitioner submits that the



petitioner is quite innocent and has falsely been implicated in this case, inasmuch as, he is in jail 24.08.2018.

Paragraph no.26 of the case diary gives the entire picture under what circumstance the incident took place. It has been alleged by Madan Mahto that he is a broker of the land and on 26.06.2018 at evening he was standing near a betel shop, at that time, Gacheya Paswan @ Mintu and 5-6 unknown persons came there and surrounded him and demanded the commission and also demanded extortion but, he refused. In the meantime, Ajay Kumar @ Basiya Poddar (petitioner) came on his motorcycle and told Madan Mahto to sit on his motorcycle on the point of gun, so under the fear he sat on the motorcycle. When the motorcycle reached near *Tinmuhani*, the motorcycle fell in a drain and taking benefit of the same, Madan Mahto tried to flee away, in the meantime, Gachiya Paswan came and asked to kill Madan Mahto, upon which firing was made but, unfortunately the bullet hit to the third party.

Looking to the nature of allegation, this Court is not inclined to grant bail to the petitioner for the present. Accordingly, the prayer for bail is rejected. However, the Trial Court is directed to expedite the trial and conclude the same within a period of nine months from the date of receipt /



production of a copy of this order. If the trial is not concluded within the stipulated period of nine months, the petitioner will be at liberty to renew the prayer for bail.

(Shivaji Pandey, J)

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