

IN THE HIGH COURT OF JUDICATURE AT PATNA

CRIMINAL MISCELLANEOUS No. 30308 of 2021

Arising Out of PS. Case No.-58 Year-2019 Thana- PHULWARIA District- Begusarai

GAUTAM DAS Son of Late Shambhu Das Resident of Village - Sokhara- 2,
Ward No. 7, Gachhi Tola, P.S. - Phulwariya, District - Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Rama Kant Sharma, Sr. Adv.
: Mr. Lakshmi Kant Sharma, Adv.
For the Opposite Party/s : Mr. Brajendra Nath Pandey, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH

ORAL ORDER

2 11-08-2021 The instant case has been taken up for consideration through the mode of Video conferencing in view of the prevailing situation on account of COVID 19 Pandemic, requiring social distancing.

Heard the learned Senior counsel for the petitioner Sri Rama Kant Sharma, assisted by Sri Lakshmi Kant Sharma and the learned APP for the State Sri Brajendra Nath Pandey.

The present petition is by way of second attempt at



the behest of the petitioner for grant of regular bail in connection with Phulwariya PS case no. 58 of 2019 under Sections 120B, 302/34 of Indian Penal Code, inasmuch as the earlier prayer of the petitioner for grant of bail has already stood rejected by this Court vide order dated 21.09.2020, passed in Cr. Misc. no. 18911 of 2020.

The case of the prosecution in brief is that on 18.05.2019, the brother of the informant had gone to sleep on the roof of the house. It is further alleged that the petitioner and his wife had conspired together, whereafter they had gone on the roof of the house and brutally assaulted the brother of the informant resulting in his death.

The learned Senior counsel for the petitioner has submitted that the petitioner is languishing in custody since 11.11.2019 and the case has not yet been committed to the court of Sessions.

Per contra, the learned APP for the State has vehemently opposed the prayer for bail.

Having regard to the facts and circumstances of the case, considering the submissions made by the learned Senior counsel for the petitioner and taking into account the materials



available on record, this Court finds that serious charges have been leveled against the petitioner regarding him having committed gruesome murder and moreover, there is no change in circumstance, so as to warrant reconsideration of the prayer of the petitioner for grant of bail, hence the present petition stands dismissed.

(Mohit Kumar Shah, J)

rinkee/-

U		T	
---	--	---	--

