

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.26906 of 2020

Arising Out of PS. Case No.-280 Year-2018 Thana- MOTIHARI TOWN District- East
Champaran

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ARVIND DAS @ ARBIND DAS, aged about 25 years, (Male), S/o Late
Laxman Das, resident of Village-Kuwari Devi Chowk, Near Deoraha Baba
Asthan, Ward No.16, P.S.-Town Motihari, District-East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner : Mr.Binod Kumar Mishra, Advocate.
For the Opposite Party : Mrs. Renuka Ratnakar, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 01-02-2021 Learned counsel for the petitioner is directed to

remove the defects, as pointed out by the office, within a period

of four weeks.

A supplementary affidavit has been filed on behalf of
the petitioner. The same may be kept on the record.

Heard learned counsel for the petitioner and learned
counsel for the State.

The petitioner seeks bail in a case registered for the
offence under Sections 341, 307/34, 324 and 326/34 of the I.P.C.
Later on, Section 302 of the I.P.C. was also added.

The prosecution story, in brief, is that when the
informant (now deceased) was standing on the road, his wife
Sita Devi and his son Arvind Das (petitioner) reached there and



due to family dispute, a hot talk took place in between them. In the meantime, his wife caught him from behind and his son Arvind Das (petitioner) attacked on him with *Chhura* indiscriminately which hit on his right hand above left eyebrow, abdomen and other places due to which he became injured badly and fell down there. The local police came there and arrested his wife and son. The informant was taken to Sadar Hospital, Motihari for treatment. Later on, the victim died.

Earlier bail applications of the petitioner were rejected vide Cr. Misc. No. 6141 of 2019 under order dated 23.04.2019 and Cr. Misc. No. 75511 of 2019 under order dated 04.03.2020, annexed as Annexure-1 series to the present bail application, taking into account that the petitioner was the assailant as per the F.I.R. The postmortem report also corroborated the allegation made in the F.I.R.

This is third attempt on behalf of the petitioner for grant of bail.

It has been submitted on behalf of the petitioner that six prosecution witnesses have already been examined and they have been declared hostile by the court below.

On behalf of the State, it is submitted that the case was instituted for an offence under Section 307 and other allied



sections of the I.P.C. The victim was the author of the F.I.R. As per the F.I.R., the petitioner is the assailant. The allegation made in the F.I.R. is also corroborated by the postmortem report. In course of treatment, the victim died and Section 302 of the I.P.C.. was also added. F.I.R. is the dying declaration.

A report was called for from the court below regarding the present stage of the case. It has been reported that only Investigating Officer and the Doctor are to be examined in the present case and the trial is likely to be concluded within a period of three months.

Considering the nature of accusation and the stage of the case, I am not inclined to grant bail to the petitioner. The same is rejected in connection with Motihari P.S. Case No. 280 of 2018, pending in the court of learned Chief Judicial Magistrate, Motihari, East Champaran.

The court below is directed to take all necessary steps to conclude the trial preferably within a period of five months from the date of receipt/production of copy of this order.

The District Magistrate, East Champaran at Motihari and the Superintendent of Police, East Champaran at Motihari are directed to ensure that the remaining official witnesses are produced on the fixed date in the court below so that the trial



could be concluded within the stipulated period.

Let a copy of this order be communicated to the District Magistrate, East Champaran at Motihari and the Superintendent of Police, East Champaran at Motihari.

(Sudhir Singh, J)

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