

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24435 of 2020**

Arising Out of PS. Case No.-137 Year-2011 Thana- SAHEBPUR KAMAL District-
Begusarai

=====

BHIBHASH RAI @ BIBHAS RAY @ BIBHASH ROY Son of Late Devi
Roy @ Late Debo Ray Resident of Village- Raghunathpur, Ward No.6, P.S.-
Sahebpur Kamal, District- Begusarai.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr. Sandip Kumar Gautam, Advocate

For the Opposite Party/s : Mr. Prem Kumar Jha, A.P.P.

=====

CORAM: HONOURABLE MR. JUSTICE ANIL KUMAR SINHA
ORAL ORDER

7 09-02-2021 Heard Mr. Sandip Kumar Gautam, learned counsel

for the petitioner and Mr. Prem Kumar Jha, learned

Additional Public Prosecutor appearing for the State.

Petitioner seeks regular bail in connection with
Sahebpur Kamal P.S. Case No. 137 of 2011 (Sessions Trial
No. 635 of 2018) registered for the offences punishable
under Sections 147, 148, 149, 323, 324, 325, 326, 307, 302
and 504 of the Indian Penal Code 1860.

The allegation as per the First Information Report
is that the petitioner along with other co-accused persons
assaulted the brother of the informant by means of *Farsa*,
Khanti etc., due to which, he died while taking to the



hospital.

Learned counsel for the petitioner submits that allegation against the petitioner is that he allegedly assaulted by means of *Khanti* near the left leg of the deceased and there is no allegation that the petitioner has assaulted the deceased on his vital part of the body leading to his death. Learned counsel further submits that the petitioner is in custody since 24.09.2019 and from perusal of the postmortem report it would be evident that altogether six injuries were found on the person of the deceased and the Doctor has opined that the deceased has died due to injuries caused on his body. However, the allegation of assault on the vital part i.e. on the head of the deceased is upon co-accused Shishir Yadav and not upon the petitioner. Learned counsel also submits that Shishir Yadav has been granted bail by the learned court below itself and there is land dispute between the parties.

On the other hand, Mr. Prem Kumar Jha, learned counsel for the State submits that there is specific allegation against the petitioner that he along with other co-accused persons indiscriminately assaulted the deceased and due to



the injuries caused on the body of the deceased, he subsequently died. Learned counsel further submits that the First Information Report was lodged in the year 2011 and the petitioner was declared absconder, and was ultimately arrested on 24.09.2019. Learned counsel also submits that there is strong possibility that if the petitioner is released on bail, he may not turn up to face the trial.

This Court vide order dated 08.01.2021 had called for a report from the learned court below regarding stage of the trial and in pursuance thereof the learned Additional Sessions Judge-III, Begusarai, has furnished the report vide letter No. 27 dated 18.01.2021. From perusal of the report, it appears that after splitting up the trial of the absconding accused, the charges against two accused persons would be framed and the learned trial court has given the estimated time for conclusion of the trial within nine months.

Having regard to the submissions made by the parties and taking into consideration the conduct of the petitioner that he remained absconder for about eight years, I am not inclined to grant regular bail to the petitioner at this stage.



Accordingly, the prayer for bail of the petitioner stands rejected.

However, if the trial does not conclude within a period of nine months from today, the petitioner may renew his prayer for bail thereafter.

(Anil Kumar Sinha, J)

S.Ali/-

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

