

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29701 of 2020

Arising Out of PS. Case No.-222 Year-2018 Thana- RAJEPUR District- East Champaran

LALLAN KUSHWAHA, aged about 31 years, Male, S/o Sita Ram Prasad @ Sitaram Bhagat, Resident of Village- Sonaul, P.S.- Rajepur, District- East Champaran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner : Mr.Pramod Kumar Pandey, Advocate.
For the Opposite Party : Mr. Madhura Nand Jha, A.P.P.

CORAM: HONOURABLE MR. JUSTICE SUDHIR SINGH
ORAL ORDER

3 05-01-2021 Learned counsel for the petitioner is directed to remove the defect (s), as pointed out by the office, within a period of four weeks.

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

The petitioner seeks bail in a case for the offence registered under Sections 302 and 120(B)/34 of the I.P.C.

The prosecution case, in brief, is that the *Bhavo* of the informant, namely, Geeta Devi, has developed illicit relationship with Lalan Kushwaha (petitioner). The said relationship was opposed by the father of the informant Ramchandra Sah (since deceased) and his mother. It is further alleged that on 27.12.2018, the mother of the informant had beaten Geeta Devi



called her paramour Lalan Kushwaha (petitioner) and kept him in room. In the night at about 11-12 P.M., on hearing sound, the informant along with his wife Kiran Devi woke up and saw in the light of bulb that petitioner was sitting on the chest of his father Ramchandra Sah (since deceased) and pressing his throat and mouth. The informant rushed to the village. On his alarm, when villagers came there, they saw that petitioner and co-accused Ram Kishore Prasad were fleeing away. They were chased, but managed to run away. The informant saw that blood was oozing from the ear of the deceased. *Gupti* (sharp cutting weapon) was pierced in the ear of father of the informant.

Earlier bail application of the petitioner was rejected by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 30846 of 2019 under order dated 12.07.2019 with a direction to the trial court to conclude the trial as early as possible preferably within a period of nine months from the date of the order dated 12.07.2019.

In pursuance to the said order, the petitioner has preferred the present application taking into account that the trial has not been concluded.

It has been submitted by learned counsel for the petitioner that the petitioner is in custody since 31.12.2018.



Charge sheet has been submitted in the present case. There is no allegation of tampering with the witnesses alleged against the petitioner. The petitioner has falsely been implicated in the present case. Deadly weapon is said to have been used in course of occurrence. Due to family dispute, the petitioner has been made accused in the present case. Other co-accused Geeta Devi has been granted bail by the then Co-ordinate Bench of this Court vide Cr. Misc. No. 30152 of 2019 under order dated 08.05.2019, annexed as Annexure-3 to the bail application.

On behalf of the learned counsel for the State, it has been submitted that the petitioner is named in the F.I.R.

Considering the aforesaid facts and circumstances of the case, the petitioner above named, is directed to be released on bail on furnishing bail bonds of Rs. 10,000/- (Rupees Ten Thousand Only) with two sureties of the like amount each to the satisfaction of the learned A.D.J.-17, Motihari, in connection with Sessions Trial No. 315 of 2019, arising out of Rajepur P.S. Case No. 222 of 2018.

(Sudhir Singh, J)

U.K./-

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

