

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32836 of 2020

Arising Out of PS. Case No.-1000 Year-2019 Thana- BIHTA District- Patna

Mukha Rai @ Mukha Kumar S/o Balmiki Ray @ Balmiki Ray R/o village-
Subhav Tola @ Subhaw Tola, P.S.- Bihta (Neora OP), District- Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Jeetendra Narayan, Advocate
For the Opposite Party/s : APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 04-03-2021 Heard learned counsel for the petitioner and learned
APP for the State through video conferencing.

The petitioner has filed the instant application for grant of regular bail in connection with Sessions Trial no. 236 of 2020 arising out of Bihta P.S. Case no. 1000 of 2019 registered under section 302 and other sections of the Indian Penal Code.

As per allegation in the FIR, it is stated that on the call given by Balmiki Rai, the petitioner stabbed the son of the informant who died on way to the hospital.

It is submitted by learned counsel for the petitioner that the allegation as levelled in the FIR are false and concocted. Neither the informant nor the other witnesses including the mother, Chachi, uncle or the villagers even claim to be eye witness. The petitioner has been falsely implicated as a result of



the village politics. Neither the postmortem report nor other relevant materials were part of the case diary at the time of submission of charge sheet and this at best can be said to be a case of sudden provocation. The petitioner is in custody since 7.11.2019 and has no criminal antecedent.

The application for bail is opposed by learned APP for the State.

Having heard learned counsel for the parties and taking into consideration the materials on record including the contents of the postmortem report which supports the allegation against the petitioner who is stated to be the assailant, the Court is not inclined to enlarge the petitioner on bail and the same is rejected.

Learned Court below is directed to expedite the trial.

(Partha Sarthy, J)

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