

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.35884 of 2020

Arising Out of PS. Case No.-12 Year-2017 Thana- SIKARHATTA District- Bhojpur

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RITESH KUMAR @ RITESH RAY, aged about 26 years, Male, S/o Rama Kant Rai, R/o Village Labna, P.S Sikrahata, District Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

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Appearance :

For the Petitioner	:	Mr. Ajay Kumar Thakur, Advocate
		Mr. Ram Kumar Singh, Advocate
For the State	:	Mr. Anuj Kumar Srivastava, APP
For the Informant	:	Mr. Chandan Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

7 23-03-2021 Heard Mr. Ajay Kumar Thakur, the learned counsel for the petitioner, Mr. Anuj Kumar Srivastava, the learned Additional P.P. and Mr. Chandan Kumar, the learned counsel appearing on behalf of the informant.

The petitioner seeks bail in Sikrahata P.S. Case No.12 of 2017, giving rise to Sessions Trial No.2/2019, registered under Sections 147, 148, 149 and 302 of the Indian Penal Code and under Section 27 of the Arms Act.

The petitioner is alleged to have assaulted Geeta Devi with knife in her abdomen and other accused persons, namely, Sharda Devi and Hiramuni Devi are also alleged to have assaulted Geeta Devi. Lakhpatu Devi is alleged to have assaulted Geeta Devi with *Bhujali* on the back side of her head.



Wife of Rama Kant Rai assaulted Geeta Devi with *Tangi* on her head and thereafter Ritesh Rai pierced knife in the abdomen of Geeta Devi. It is further alleged that accused Lalan Rai, Bhuar Rai, Keshav Rai, Rama Kant Rai, brother-in-law (*Sala*) of Rama Kant Rai, brother-in-law (*Bahnnoi*) of Rama Kant Rai and Kashi Nath Rai all assaulted Ashutosh Kumar @ Halchal Rai with sharp edged weapons and killed him on spot.

Learned counsel for the petitioner submits that the prayer for bail of the petitioner was earlier rejected vide order dated 06.08.2019, passed in Cr. Misc. No.30984 of 2019. The petitioner again moved this Court in Cr. Misc. No.30984 of 2019, but the prayer for bail was rejected on 05.02.2020 on the ground that the trial has been concluded. It is submitted that on such a report was called for. The report shows that due to inadvertence, the trial court reported that the trial of the petitioner has been concluded. The trial of the petitioner vide Sessions Trial No.2 of 2019 is still pending. It is further submitted that Sharda Devi, one of the co-accused has been granted bail vide order dated 15.11.2017, passed in Cr. Misc. No.52862 of 2017, but it appears that the trial court has stated that the trial of the present case shall be concluded within three months. The petitioner is alleged to have assaulted Geeta Devi



with knife in her abdomen and on account of the injury found in the abdomen besides other injuries, Geeta Devi died, hence, I am not inclined to enlarge the petitioner on bail. Accordingly, the prayer for bail of the petitioner is rejected.

The trial court is directed to hold the trial on day to day basis and conclude the same within three months from the date of receipt of this order.

The Superintendent of Police, Ara is directed to ensure the attendance of the prosecution witnesses in the trial court so that the trial must be concluded within three months.

Let this order be transmitted to the learned trial court as well as the Superintendent of Police, Ara for information and needful.

If the trial is not concluded within three months, the petitioner, if so advised, may renew his prayer for bail.

(Prabhat Kumar Jha, J)

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