

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36978 of 2020

Arising Out of PS. Case No.-457 Year-2018 Thana- JAMUI District- Jamui

Sanjay Pandit, (Male) aged about 33 years, S/o Mauleshwari Pandit, Resident of Village- Kakan, P.S.- Jamui, Distt- Jamui.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Niranjana Parihar
For the Opposite Party/s : Mr. APP

CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR JHA
ORAL ORDER

3 04-03-2021 Heard both sides.

The petitioner seeks bail in Jamui P.S. Case No.457 of 2018, registered under Sections 302, 34 and 120(B) of the Indian Penal Code and under Section 27 of the Arms Act.

The informant alleged that while she was sitting on her *verandah* along with her husband, the accused persons, namely, Dhananjay Pandit, Shankar Pandit and Sanjay Pandit came and began to abuse. When the informant protested, Sanjay Pandit took out pistol from his waist and started firing from his pistol. Her husband got injury on abdomen and leg. On alarm, many villagers came and took the husband of the informant to hospital, but her husband died on his way to hospital.

Learned counsel for the petitioner submits that the petitioner is named in the FIR and he is alleged to have fired,



but in fact one Subhash Mahto @ Birappan is said to have fired but the informant out of fear did not name him. The Dy.S.P. in his supervision found that it was Birappan who fired killing the husband of the informant on the spot. Other two accused persons have been granted bail. It is further submitted that even in the newspaper, this news has come but the newspaper has got no evidentiary value and it is not part of the case diary. On the face of it, it appears that the Dy.S.P. concocted a story with regard to participation of Subhash Mahto @ Birappan for the reasons best known to him perhaps on otherwise consideration. The informant is the eye witness of the occurrence and in her presence, the occurrence took place. The informant very categorically alleged that it was the petitioner who on account of land dispute shot her husband dead. The postmortem report also supports the version of the informant.

Having considered the facts aforesaid, 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 one year from the date of receipt of this order.

The Superintendent of Police, Jamui is directed to



ensure the attendance of the witnesses during the course of trial
so that the trial must be concluded within one year.

Let a copy of this order be sent to the learned trial
court as well as the Superintendent of Police, Jamui for
information and needful.

(Prabhat Kumar Jha, J)

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