

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.324 of 2021**

Arising Out of PS. Case No.-114 Year-2019 Thana- SHERGHATI District- Gaya

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KHUTI MALLAH @ CHANDRADEO CHAUDHARY Son of Narayan
Mallah Resident of Village- Mahuad, P.S.- Sherghati, District- Gaya.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Kunwar Narayan Jamuar, Adv.

For the Opposite Party/s : Mr.Akhileshwar Dayal, APP

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**CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER**

6 15-07-2021 Learned counsel for the petitioner undertakes to

remove all the defects as pointed out by office within four

weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner and learned

A.P.P. for the State.

Petitioner in the present case is seeking regular bail in

connection with Sherghati P.S. Case No.114/2019 (Sessions

Trial No.560/2019 (670 of 2019) registered for the offences

punishable under Section 302/34 of the Indian Penal Code.

That the prosecution story in short is that on

19.03.2019 some altercation took place between the informant's

elder brother Awadhesh Singh and petitioner for irrigation of

field. It is further alleged that the petitioner had threatened the



informant's brother to kill and on 20.03.2019 at 10.30 pm his elder brother was killed by sharp weapon i.e. Tangi. The informant suspected the hands of the petitioner in killing of his brother.

Earlier the prayer for bail of the petitioner has been rejected by a learned coordinate Bench of this Court vide order dated 20.02.2020 passed in Cr.Misc.No.58617/2019.

Earlier vide order dated 09.04.2021 a report was called for by this Court from the learned trial court which has been received. According to the learned trial court's report, the charges have been framed against the sole accused-petitioner under Section 302 of the Indian Penal Code on 11.06.2020 and summons have been issued to the charge-sheeted witnesses.

Learned APP for the State is present and has opposed the prayer for regular bail of the petitioner.

Having regard to the facts and circumstances of the case wherein the prayer for bail of the petitioner has been earlier rejected by a learned coordinate Bench of this Court vide order dated 20.02.2020 in Cr.Misc.No.58617/2019, according to the learned trial court's report the charges have been framed against the sole accused-petitioner under Section 302 of the Indian Penal Code on 11.06.2020, summons have been issued to the



charge-sheeted witnesses, this Court is not inclined to release the petitioner on bail at this stage.

Let the trial court expedite the trial and all endeavours be made to conclude the trial within a period of six months from the date of normal start of functioning of the court. The petitioner is said to be in custody since 05.04.2019, therefore, in case the trial is not concluded within a period of six months, as stated above, for no reason attributable to the petitioner, he may renew his prayer for bail.

(Rajeev Ranjan Prasad, J)

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Note: The ordersheet duly signed has been attached with the record. However, in view of the present arrangements, during Pandemic period all concerned shall act on the basis of the copy of the order uploaded on the High Court website under the heading 'Judicial Orders Passed During The Pandemic Period'.

