

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.80 of 2021**

Arising Out of PS. Case No.-123 Year-2020 Thana- PATAHI District- East Champaran

Bhola Das Son Of Baldev Das Alias Bala Das Resident Of Village - Betauna,
P.S. - Patahi, District - East Champaran

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s	:	Mr.Vikram Deo Singh,Advocate
For the State`	:	Ms.Sangeeta Sharma,APP
For the Informant	:	Ms.Rashmi Jha,Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

4 23-07-2021 Learned counsel for the petitioner undertakes to remove all the defects pointed out by the Stamp Reporter within four weeks after start of normal functioning of the Court.

Heard learned counsel for the petitioner, learned counsel for the informant and Ms. Sangeeta Sharma, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with Patahi P.S. Case No. 123 of 2020 registered for the offences punishable under Sections 302, 201, 120(B)/34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story, on 09.07.2020 in the morning the son of the informant went from his house and did not return till night. On the next day, the informant came to know that one dead body is lying in Sareh of betauna Narkatiya village, P.S. Patahi then the informant



along with Ajay Sah and others went there and he saw that his son was lying dead and acid was thrown on his face, his eye was stabbed and there is sign of assault on the body.

Learned counsel for the petitioner submits that from the First Information Report itself it would appear that the informant has raised suspicion against two different sets of persons. At first instance, the suspicion has been raised against Rahul Patel and his two associates who had allegedly forcibly taken away the daughter of the informant and had thereafter ousted her from the house for which a case is pending in the court of learned Chief Judicial Magistrate, Motihari. In the second set, it is alleged that the son of the informant had got some relationship with the daughter of the petitioner and her Aadhar card was recovered from the bag of the son of the informant, he had raised doubt that this petitioner and his family members might have hands in killing of the son of the informant.

Learned counsel submits that save and except suspicion, there is no material against him.

On the other hand, learned counsel for the informant as well as learned APP for the State have opposed the prayer for regular bail of the petitioner. The attention of this Court has been drawn towards the detailed discussions made in the impugned order passed by learned 12th Additional District and Sessions Judge, East Champaran, Motihari while rejecting the prayer for bail of the petitioner. It has been revealed in course of investigation that the



deceased and daughter of this petitioner used to talk on the mobile, on the date of occurrence the deceased had allegedly gone to meet the daughter of the petitioner and he was done to death by the petitioner and other members. Investigation has also revealed that the dead body of the deceased was found at a distance of 300 meters from the place of residence of this petitioner. The daughter of the petitioner had disclosed in her statement that once the son of the informant was caught in her house but she had saved him on that day.

Considering the facts and circumstances of the case, the seriousness of the allegations wherein a young boy has been murdered brutally, the materials which have been collected in course of investigation are showing that the deceased had been in touch with the daughter of this petitioner which was not being liked by this petitioner and, once, the deceased was caught in his house but at that time the daughter of the informant had saved him, still he continued with that relationship and the CDR analysis of the mobile phones have found that they were talking to each other regularly, On the night of the alleged date of occurrence also, the deceased had talk with the daughter of the informant in late night, the mobile of the deceased has been seized near the place of occurrence and in various paragraphs of the case diary the witnesses have supported the prosecution case as have been noticed by the learned 12th Additional District and Sessions Judge, East Champaran, Motihari, this Court is not inclined to release the petitioner on regular bail at this stage.



The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited. The trial court is directed to proceed with the trial as early as possible and all endeavours be made to conclude the trial preferably within a period of one year from the date of start of normal functioning of the Court. If the trial is not concluded within the said period for no reason attributable to the petitioner, he may renew his prayer for bail.

The application stands disposed of accordingly.

(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'.

