

**IN THE HIGH COURT OF JUDICATURE AT PATNA
(FROM RESIDENTIAL OFFICE VIA VIDEO APPLICATION)
CRIMINAL MISCELLANEOUS No.8844 of 2021**

Arising Out of PS. Case No.-265 Year-2018 Thana- BHAGWAN BAZAR District- Saran

Mithilesh Thakur @ Chhotu Thakur Son Of Kaka Thakur Resident Of Village
- Gudri Thakar Mor, P.S.-Bhagwan Bazar, Dist.- Saran At Chapra.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Chandra Mohan Jha,Advocate

For the Opposite Party/s : Mr.Bishweshwar Ram,APP

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

4 12-08-2021 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 and Mr. Bishweshwar Ram, learned APP for the State.

The petitioner in the present case is seeking regular bail in connection with S.Tr. No. 730 of 2018 arising out of Bhagwan Bazar P.S. Case No. 265 of 2018 registered for the offences punishable under Sections 302, 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that as per the prosecution story on 23.06.2018 Raj Kumar Sah and Jai Prakash Sah indulged in a scuffle over the fish business and Raj Kumar Sah threatened the informant to kill his younger brother namely Umesh Sah. Thereafter at 10:30 P.M. the informant went for fish trading and then his wife called him and told that 2-3 persons including this

petitioner had taken away his brother. Thereafter the informant immediately return home and started looking for his brother and in the morning the dead body of his brother, which was brutally injured, was found near the house of one Kiuyamuddin Miyan in the open field.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case on mere suspicion. The petitioner is in custody since 25.06.2018 having no criminal antecedent.

Learned APP for the State has opposed the prayer for bail of the petitioner.

Having regard to the facts and circumstances of the case wherein this Court has noticed from the materials available on the record that the petitioner is named in the First Information Report as one of the accused who had taken away the younger brother of the informant from his house and thereafter his dead body was found which was brutally injured, at the instance of this petitioner who made a confessional statement before police saying that he had murdered the brother of the informant by cutting the throat with the knife and the said knife has been recovered on the statement of this petitioner, this Court is not inclined to release the petitioner on bail. The prayer for regular bail of the petitioner is, thus, refused.

Let the trial be expedited. Learned trial court has reported that the trial may be concluded within a period of six months after

normalcy of the court proceedings.

Let the trial court fix the case on day-to-day basis after normalcy of the court proceedings and conclude the trial within the time given to this Court.

The application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

SUSHMA2/-

U		T	
---	--	---	--

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'.