

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.2964 of 2022

Arising Out of PS. Case No.-282 Year-2019 Thana- ALOULI District- Khagaria

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Ajay Mukhiya @ Ajay Kumar, Son Of Japan Mukhiya Resident Of Village -
Sardehi, P.S. - Alauli, District - Khagariya.

... .. Petitioner/S

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Abhay Shankar Singh- Advocate Mr. Barun Kumar Singh- Advocate
For the State	:	Mr. Md. Mushtaque Alam- A.P.P.
For the Informant	:	Mr. Praveen Kumar Agrawal- Advocate Mr. Santosh Kumar Singh- Advocate

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 26-05-2022 Heard learned counsel for the petitioner, learned
counsel for the informant and learned APP for the State.

The petitioner seeks bail in a case registered for the
offences punishable under Sections 302, 307, 34, 120(B) of the
Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the
petitioner is in custody since 07.09.2020, charge-sheet has been
submitted in this case and has antecedent of 11 cases.

The learned counsel for the petitioner submits that the
informant alleges that he saw seven accused persons including
the petitioner and two unknown, who fired killing his brother.

The learned counsel for the petitioner submits that the



petitioner has been falsely implicated based on his antecedent. Though in the F.I.R., the informant claims to be an eye witness to the occurrence, but the F.I.R. is completely silent with regard to the role attributed to the petitioner in the occurrence.

The learned counsel for the informant as well as learned A.P.P. opposes the bail application and submits that informant is an eye witness to the occurrence and there are four wound entry, six empty cartridges were found from the place of occurrence and similarly situated co-accused Bhagwan Das's bail has been rejected by order dated 07.12.2020 in Cr. Misc. No.26059 of 2020.

Considering the submissions made by the learned counsel for the informant as well as learned A.P.P. for the State, the Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected.

However, the learned trial Court is directed to expedite the trial and if possible, to conclude the same within a period of nine months from the receipt/ production of a copy of this order.

The District Magistrate, Khagaria and the Superintendent of Police, Khagaria are also directed to take



necessary steps to ensure that the remaining witnesses remain present on each and every date in the trial as fixed by the learned trial Court.

Office is directed to communicate this order to the District Magistrate, Khagaria and the Superintendent of Police, Khagaria forthwith.

(Satyavrat Verma, J)

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