

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8215 of 2022

Arising Out of PS. Case No.-383 Year-2020 Thana- SARAIYA District- Muzaffarpur

Upendra Bhagat S/O Sukdev Bhagat Resident Of Village- Dukhan Sariya,
P.S. Paroo, District- Muzaffarpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Raju Kumar, Advocate

For the Opposite Party/s : Mr. Awadhesh Kumar Singh, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 28-06-2022 Heard learned counsel appearing on behalf of the
petitioner and learned counsel appearing on behalf of the State.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Saraiya
P.S. Case No. 383 of 2020 registered for the offence under
Sections 341, 324, 307, 302, 504 and 34 of the Indian Penal
Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 13.06.2020.

The allegation against the petitioner is to commit
murder of son of the informant and, while committing so,
assault was made by knife on the chest of the deceased.

Learned counsel appearing on behalf of the petitioner



submitted that the petitioner has been falsely implicated in this case due to previous enmities, and the version of informant creates a doubt, whether he is the eye witness of the occurrence. It has also been submitted that chargesheet in this case has already been submitted, as such, there is no chance of tampering the evidence. While concluding the argument, it has further been submitted that the petitioner is a man of clean antecedent.

Learned APP appearing on behalf of the State while opposing the prayer of bail has submitted that there is specific allegation against the petitioner to cause blow with knife on the chest of the deceased. It has also been submitted that the injury is alleged to cause death is in full corroboration with finding of injury and cause of death as per the postmortem report. It has further been submitted that one of the injured involved in the occurrence, who is the eye witness, supported the allegation of specific fatal assault caused by the petitioner.

Considering the facts and circumstances as mentioned above, as there is specific allegation of assault with knife against the petitioner, which caused death of the deceased coupled with the fact that the occurrence is supported by the injured eye witness, this Court is not inclined to grant bail to the petitioner.



Accordingly, the prayer for bail of the petitioner is rejected herewith, with the liberty to the petitioner to renew his prayer of bail after 9 months, if the trial is not concluded in the specified time.

In the meantime, Trial Court is directed to expedite the trial in accordance with law.

Superintendent of Police, Muzaffarpur is directed to ensure the presence of chargesheeted witnesses before the Trial Court at the earliest.

The physical presence of I/O of this case before the Court is dispensed with.

(Chandra Shekhar Jha, J)

Ankit/-
Shashank/-

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