

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.9613 of 2022

Arising Out of PS. Case No.-153 Year-2020 Thana- BIDUPUR District- Vaishali

Sanjay Roy @ Sanjay Kumar Son of Nagdeo Ray Resident of Village -
Gopalpur Chaknai, P.s.- Bidupur, Distt.- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Ajay Thakur, Advocate Mr. Ritwik Thakur, Advocate
For the Opposite Party/s :		Mr.Bharat Bhushan, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

3 15-11-2022 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 Bidupur
P.S. Case No. 153 of 2020 registered for the offence under
Sections 302 and 34 of the Indian Penal Code.

The accused/petitioner is named in the F.I.R. and is in
custody since 26.11.2021

The allegation against the petitioner is to commit
murder of the brother of the informant, along with other co-
accused persons, due to longstanding land dispute, while
assaulting with sword, causing fatal head injury.

Learned counsel appearing on behalf of the petitioner



submitted that it is alleged against this petitioner to cause assault by sword, which may by all probabilities caused incised wound but as per post-mortem report, it appears that injury was caused by hard and blunt substances which speaks loudly that entire allegation is concocted and false on its face. It is submitted that both the parties were in inimical terms and a case was also lodged by the petitioner's side against the informant and deceased, which has been registered as Bidupur P.S. Case No. 158 of 2020. While concluding the argument, it is submitted that investigation of this case is complete, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel for the informant, while opposing the prayer of bail submitted that there is specific allegation against this petitioner as regard to cause fatal head injury, which was caused by sword. It is submitted that assault was made repeatedly, which clearly indicates that petitioner was under intention to cause death.

In view of the facts and circumstances as mentioned above, as there is specific allegation to cause fatal head injury against this petitioner, this Court is not inclined to grant privilege of bail to the petitioner, at present.



Accordingly, the prayer for bail of the petitioner is rejected herewith.

The learned Trial Court is directed to conclude the trial, preferably, within a period of 09 (nine) months from the date of receipt of this order, by taking this matter on board, on day-to-day basis, if required.

The Superintendent of Police, Vaishali at Hajipur, is directed to produce the charge-sheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

R.S.Sen/-

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