

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.14795 of 2022

Arising Out of PS. Case No.-345 Year-2019 Thana- CHOUTARWA District- West Cham-
paran

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PRAMOD PRASAD @ PRAMOD KUMAR @ PRAMOD KUMAR
JAISWAL Son of Late Ram Prasad Resident of Village - Lagunaha, P.s.-
Chautarwa, Distt.- West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Arvind Kumar, Advocate
For the Opposite Party/s	:	Mr. Choubey Jawahar, APP

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

3 27-04-2022 Heard learned counsel for the parties.

The petitioner has renewed his prayer for grant of regular bail in a case registered under sections 302 and 34 of the Indian Penal Code.

As per the prosecution case, the four named accused persons including the petitioner herein are stated to have assaulted the husband of the informant with an axe leading to his death.

It is submitted by learned counsel for the petitioner that the earlier application for bail of the petitioner was rejected vide orders dated 17.8.2021 (Annexure-1) directing the learned court below to expedite the trial. Inspite of the petitioner being in custody since 11.11.2020 no witness has been examined on



behalf of the prosecution till date. On merits it is submitted that in course of investigation, the eye witnesses whose statement has been recorded in paragraph nos. 34 and 35 of the case diary have categorically stated that it was only Billu and Rajan who assaulted with axe in their hand. So far as the petitioner is concerned, he was not carrying any weapon. The petitioner undertakes to cooperate in the trial and to abide by all the conditions which may be laid for his release.

The application for bail is opposed by learned APP for the State who submits that there is direct allegation against the petitioner of having assaulted with an axe which has been consistently supported by the witnesses in course of investigation as also from the contents of the postmortem report wherein four incised wounds have been found on the head / vital part of the body of the deceased.

As per the report received contained in letter dated 1.4.2022 of the learned Additional Chief Judicial Magistrate, 1st, Bagha, West Champarna, the case was committed to the Court of Sessions on 25.3.2022.

Having heard learned counsel for the parties and taking into consideration the allegation against the petitioner in the FIR together with the contents of the postmortem report, the



Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial and to conclude the same at the earliest preferably within a period of eight months from the date of communication of this order.

(Partha Sarthy, J)

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