

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.15233 of 2022

Arising Out of PS. Case No.-498 Year-2020 Thana- BETTIAH CITY District- West
Champaran

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Jitendra Kumar Son of Maina Mahto Resident of Village - Uttarwari Pokhara,
Pakki Fulwari, Ward No.- 6, P.S.- Bettiah Town (Kalibagh O.P.), District -
West Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjeev Kumar

For the Opposite Party/s : Mr.Amit Kumar Rakesh

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL ORDER

2 07-07-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner seeks regular bail in connection with
Bettiah Town P.S. Case No. 498 of 2020 lodged under Sections
364, 365, 386, 302, 201, 120B, 34 of Indian Penal Code.

As per the allegation made in the F.I.R. the informant
has discloses 6 names and 5-6 unknown persons involved in the
murder of informant son.

Learned counsel for the petitioner submits that name
of present petitioner has not been disclosed in the F.I.R. He
further submits that the name of petitioner has figured in this
case by virtue of co-accused namely Sachin Kumar who
disclosed that Brijesh Kumar, Bholi Kumar and Ratnesh Mishra
killed the victim by stabbing repeatedly. Learned counsel for the

petitioner further submits that one Ratnesh Mishra, the named co-accused has been granted bail by the co-ordinate Bench of this Court vide order dated 28.10.2021 in Cr. Misc. No.19565 of 2021 (Annexure No.2). He further submits that petitioner is in custody since 19.04.2021 and he has having one criminal antecedent in which he is on bail. He also informed that charge sheet has already been filed in this case.

Informant has appeared in this case and opposes the prayer for bail.

Learned counsel for the informant submits that co-accused Sachin Kumar on whose disclosure the knife used by the accused has been recovered. He also submits that postmortem report reveals 84 injury found in the body of the deceased. He further submits that the name of present petitioner has been disclosed by the said co-accused Sachin Kumar. He also informed to this Court that bail of Sachin Kumar, co-accused has been rejected by the co-ordinate Bench of this Court vide order dated 31.01.2022 passed in Cr. Misc. No.29654 of 2021.

Learned counsel for the informant emphasis that if bail shall be granted to him the accused shall disappear, charge shall not be framed and trial remained pending for a long time.

Learned counsel for the State submits that in a criminal case the trial may go smoothly and therefore opposes the prayer for bail.

In the present facts and circumstances of this case I am also of this view that the accused persons must put on trial and therefore framing of charge is a necessary stage of any trial.

In the present facts and circumstances that petitioner is not named in the F.I.R., there is no direct allegation rather of general and omnibus allegation has come through the confessional statement of the co-accused and considering the period of custody of petitioner since 19.04.2021, I am inclined to grant bail but only after framing of charge.

Hence, learned Trial Court is directed to release the petitioner on bail after framing the charge.

The present petitioner is directed to appear on each and every date before the trial Court, non appearance for two consecutive dates shall be resulted into cancellation of his bail bond

With this observation this application is disposed of.

(Dr. Anshuman, J)

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