

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.18081 of 2022

Arising Out of PS. Case No.-43 Year-2020 Thana- HATHUA District- Gopalganj

Mukesh Pandey, Son of Satish Pandey, Resident of Village - Nayagaon, P.S.-
Mirganj, Distt.- Gopalganj.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Bindhyachal Singh, Sr. Advocate Mr. Sumit Shekhar Pandey, Advocate
For the State	:	Mr. Tarun Prasad Mandal, APP
For the Informant	:	Mr. N.K. Agrawal, Sr. Advocate Mr. Rajeev Ranjan No.II, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 11-08-2022 Heard learned senior counsel for the petitioner,

learned APP for the State and learned senior counsel for the

Informant.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner has renewed his prayer for bail in connection with Sessions Trial No. 27 of 2021, arising out of Hathua P.S. Case No. 43 of 2020, registered under Sections 302, 120B, 307, 34 of the Indian Penal Code and Section 27 of the Arms Act, having earlier been rejected by order dated 02.08.2021 in Cr. Misc. No. 2591 of 2021.



As per the prosecution case, the petitioner and other co-accused persons fired upon parents of the informant and also shot at the informant and his brother. The parents of the informant died at the spot, his brother succumbed to his injury later on and the informant survived.

Mr. Bindhyachal Singh, learned senior counsel appearing on behalf of the petitioner submits that the petitioner has been falsely implicated in this case and this fact could be verified from the CCTV footage wherein he had been shown to be at his house, which was situated at a distance of about 7-8 KM from the place of occurrence, at the time of occurrence. He was arrested from his house and he did not abscond which would otherwise have been a normal and natural act on the part of a guilty person. Further, the witnesses during investigation have stated that this petitioner was not present though they named other accused persons. It is also surprising that the statement of the informant was not recorded at the place of occurrence or at Gopalganj, but the same was recorded only after his reaching Patna and at PMCH. The motive given for the occurrence is not supported by the facts. The learned senior counsel further submits that the case is running at the stage of recording the evidence of prosecution witnesses and the purpose



of bail is to ensure the presence of the accused at the time of trial and it is not punitive in nature. So the petitioner may be granted bail imposing stringentest of conditions. The petitioner is in custody since 25.05.2022 and the trial is not likely to conclude soon.

Mr. N.K. Agrawal, learned senior counsel as well as learned APP opposes the prayer for bail. The learned senior counsel for the informant submits that the trial is likely to conclude soon as the prosecution has started examining its witnesses and whatever plea now be taken, the same was already taken at the time of passing of the order dated 02.08.2021 rejecting the prayer for bail. The trial got delayed due to Covid-19 pandemic and the petitioner must face trial as the specific allegation has been made against him as he is an accused in triple murder case. The learned senior counsel further submits that the petitioner is also having a long list of criminal antecedents.

Perused the records.

Having regard to the submissions made hereinabove and taking into account the earlier order of rejection of bail of this petitioner and subsequent events delaying the trial and further the prayer of the learned District and Sessions Judge,



Gopalganj wherein he has submitted that the case would be disposed of within six months and considering the gravity and seriousness of the matter, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same within six months.

If the trial is not concluded within six months, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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