

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.36745 of 2021

Arising Out of PS. Case No.-8 Year-2021 Thana- BHARGAMA District- Araria

AKSHAY KUMAR S/o- Shri Jai Prakash Sah Resident of Village- Naya Bhargama, P.S.- Bhargama, District- Araria.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Shivpujan Sahay, Adv.

For the Opposite Party/s : Mr. Bhanu Pratap Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 23-02-2022 Heard learned counsel for the petitioner and the learned counsel for the informant and learned A.P.P. for the State.

The petitioner seeks bail in connection with Bhargama P.S. Case No. 08 of 2021 registered for the offence under Sections 302/34 of the Indian Penal Code and Section 27 of the Arms Act.

The husband of the informant is said to have been killed by the petitioner and others.

Learned counsel appearing for the petitioner submits that the petitioner, who is of clean antecedent, is innocent and has falsely been implicated in this case merely on the basis of suspicion. In fact, the petitioner happens to be nephew of the deceased and the informant. He further submits that land dispute between the parties is going on and for that reason the petitioner has been made accused in this case. Not only that the parties are



in inimical terms since long and cases bearing Bhargama P.S. Case No. 59 of 2020, 19 of 2015 and 116 of 2018 are pending against the informant which were lodged by the petitioner's side. The petitioner is rotting in judicial custody since 01.02.2021.

Learned A.P.P. for the State has, vehemently, opposed the prayer for bail of the petitioner and submits that there is direct allegation of assault against the petitioner and he along with others have committed murder of the husband of the informant. The informant in her statement recorded under Section 164 Cr.P.C. has reiterated the prosecution version which would be evident from paragraph-23 of the case diary and the other witnesses have also supported the prosecution version in paragraphs 8,24,63,64,65 and 66 of the case diary.

Considering the facts and circumstances of the case, this Court is not inclined to grant the privilege of bail to the petitioner. Accordingly, the prayer for bail of the petitioner is rejected.

However, learned trial court is directed to expedite the trial.

(Rajesh Kumar Verma, J)

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