

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29486 of 2022

Arising Out of PS. Case No.-221 Year-2021 Thana- KHARIK District- Bhagalpur

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AMIT RAJAK @ BHUSKHARI RAJAK @ BABLU RAJAK Son of Banarsi
Rajak Resident of Village - Lattipur, P.S.- Bihpur, District - Bhagalpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Ranjan Kumar Jha

For the Opposite Party/s : Mr.Suresh Pd. Singh,APP

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CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

2 22-08-2022 The learned counsel for the petitioner is directed to

remove all the defects pointed out by the Stamp Reporter within one

month.

Heard learned counsel for the petitioner and the State.

Petitioner seeks regular bail in Kharik P.S. Case no.
221/2021 registered for the offence punishable under section 302/34
of the Indian Penal Code.

As per allegation, this petitioner and two co-accused
persons assaulted the deceased injuring him by sharp edged weapon
and the informant suspected that some other persons were also
indulged in the alleged murder.

The main submissions advanced by Sri Ranjan Kumar
Jha, the learned counsel for the petitioner are that FIR itself goes to
show that the informant is not eye-witness of the alleged occurrence
and the petitioner has been languishing in jail since 27.9.2021 and



presently, he is facing trial, charge has been framed and in the FIR there is no specific allegation against him. Further submission is that in the FIR any motive on the part of the petitioner and other co-accused persons in killing the deceased has not been mentioned. As per prosecution, deceased was lastly seen with this petitioner and investigation has been made on the basis of CCTV footage but during investigation, no witness of the prosecution claims to have seen this petitioner along with the deceased at the relevant time of alleged occurrence. Further submission is that alleged blood stained cloth and weapon were not recovered from conscious possession of the petitioner rather as per seizure list, the same were recovered near a hand pump which belonged to uncle of the petitioner and against the petitioner there is no legal evidence to connect him with the alleged crime.

Sri Suresh Pd. Singh, learned APP appearing for the State has opposed the prayer for bail.

Heard both sides, perused the FIR and seizure list attached to the FIR. Present case relates to murder committed by sharp edged weapon, petitioner is named in the FIR and as per seizure list, alleged weapon used in the crime was recovered from bath room of the petitioner and blood stained cloth was also recovered from the said place.

Considering the said recovery of incriminating articles as well as allegation made against the petitioner in the FIR, in the



opinion of this Court, petitioner does not deserve to the privilege of bail and accordingly his prayer for bail stands rejected.

Trial court is directed to expedite the trial of the petitioner and conclude the same within nine months from today. The petitioner may renew his prayer for bail after examination of private witnesses, if trial of the petitioner is not concluded within the stipulated period.

(Shailendra Singh, J)

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