

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.40337 of 2021

Arising Out of PS. Case No.-61 Year-2021 Thana- UDWANTNAGAR District- Bhojpur

Surendra Mushar, Son of Late Bhadher Mushar, Resident of Village - Belaur,
P.S. - Udawantnagar, District - Bhojpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Prabhat Kumar Singh, Advocate

For the Opposite Party/s : Mr. Mukeshwar Dayal, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 05-07-2022 Heard learned counsel for the petitioner and learned
APP for the State.

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 seeks bail in connection with Udwantnagar P.S. Case No. 61 of 2021 registered for the alleged offences under Sections 147, 149, 452, 323, 307, 302, 504 of the Indian Penal Code.

As per the prosecution case, the petitioner and other accused persons assaulted the husband of the informant with fists and legs causing his death.

The learned counsel for the petitioner submits that the petitioner is innocent and the allegations are general and



omnibus. The prosecution case is not believable as it was not possible for the informant to identify any person in the dark night as no source of light has been mentioned. Learned counsel further submits that there is an inordinate delay in lodging the FIR as for the occurrence of 30.01.2021, the FIR has been lodged only on 04.02.2021. The charge-sheet has been submitted in this case and the petitioner is in custody since 20.02.2021.

Learned APP opposes the prayer for bail of the petitioner submitting that the petitioner other co-accused persons have been named in the FIR who assaulted the husband of the informant and this fact has been supported by the witnesses in the case diary. The cause of death in the post-mortem report also supports the prosecution case of assault on the deceased.

Perused the records.

Having regard to the fact that though the allegation is general and omnibus against the petitioner and other co-accused persons but the result is death of the husband of the informant for which no other reason is forthcoming, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for bail is rejected.



Learned trial court is directed to expedite the trial and conclude the same expeditiously preferably within a period of nine months.

However, if trial is not concluded within nine months, the petitioner may renew his prayer for bail.

(Arun Kumar Jha, J)

V.K.Pandey/-

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