

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41292 of 2021**

Arising Out of PS. Case No.-222 Year-2020 Thana- AURAI District- Muzaffarpur

ANJIT SAH @ ANJIT KUMAR Son of Ganesh Sah Resident of Village-
Naya Gaon Tole Usri Besi, P.S.- Aurai and District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Pramod Rajpati

For the State : Mr.Chandra Sen Prasad Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

3 05-07-2022 Heard learned counsel for the petitioner and learned A.P.P.
for the state.

Let the defect(s), if any, as pointed out by the office be removed within 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 Aurai P.S. Case No. 222 of 2020 registered for the alleged offences under Sections 147, 148, 149, 341, 323, 307,325, 504 and 302 of the Indian Penal Code.

The prosecution case is that petitioner and other co-accused persons have assaulted the husband of the informant and one Raj Kumar Sah. As a result of assault, both of them died.

Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case. Only allegation against the petitioner is that he assaulted the



deceased with hammer One of the accused persons namely Mahendra Sah has been granted bail by a Coordinate Bench of this court vide order dated 14.12.2021 passed in Cr. Misc. No. 37786 of 2021. Charge Sheet has been submitted in this case and the petitioner is in custody since 28.11.2020.

Learned A.P.P. appearing for the State opposes the prayer for bail of the petitioner submitting that there is specific allegation against the petitioner and in the assault of the petitioner and co-accused persons, two persons have died. The witnesses in case diary have supported the prosecution case and the post-mortem report shows that death resulted due to injury suffered by the deceased in the hands of the petitioner and other co-accused persons.

From the record it is apparent that the petitioner is named in the FIR as one of the assailants and post-mortem report of the injured shows that death has been caused to the haemorrhage, coma and shock due to ante-mortem injuries suffered by the deceased persons and both the deceased suffered about 8 to 9 injuries on their persons and this shows the intensity of assault. Further, I do not think the case of the petitioner could be equated with that of co-accused, who has been allowed bail since the co-accused was aged about 77 years and the allegation against him was different. In the aforesaid facts and circumstances, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for grant of bail is rejected.



The Trial Court is directed to conclude the trial expeditiously preferably within a period of six months.

However, if the trial is not concluded within the aforesaid period of six months, the petitioner will be at liberty to renew his prayer for bail.

(Arun Kumar Jha, J)

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