

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41857 of 2021

Arising Out of PS. Case No.-220 Year-2020 Thana- KASHICHAK District- Nawada

DHORAI PANDIT @ SARO PANDIT Ganauri Paandit Resident of Village -
Madhepur, Police Station - Kashichak, District - Nawada.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr.Birendra Kumar, Advocate.
For the Informant	:	Mr. Sheo Kumar Prasad, Advocate.
For the State	:	Mrs. Asha Devi, APP.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

4 23-02-2022 Heard learned counsel appearing on behalf of the
petitioner and learned A.P.P. for the State.

Let the defect(s), if any, be removed within two
weeks of the complete start of the physical Court in normal
course.

The petitioner, who is in custody since 23.12.2020,
seeks regular bail in connection with Kashichak P.S. Case No.
220 of 2020 for the offence punishable under Sections 302,
307/34 of the Indian Penal Code.

The prosecution case, in brief, is that due to dispute
with regard to irrigation of the field of Dhorai Pandit @ Saro
Pandit, accused persons namely Ajit Pandit, Budhan Pandit and
Kundan Pandit came there and started abusing the informant



and his family members. It is further alleged that Ajit Pandit fired which hit the chest of the son of the informant Sintu Kumar and firing of Budhan Pandit hit in the stomach of Sintu Kumar and Sintu fell on the road. Thereafter Kundan Kumar assaulted upon the head of Sintu Kumar by means of iron road and subsequently he died on the spot. Titu Kumar fired with his pistol which hit the hand of Sanjit Kumar.

Shri Birendra Kumar, learned counsel for the petitioner submits that from perusal of the F.I.R., no case is made out against the petitioner that he had assaulted the victim who succumbed to his injury. The specific allegation of assault is against co-accused Ajit Pandit, Budhan Pandit, Kundan Pandit and Titu Kumar. The post mortem report supports the fact that there are only three injuries on the body of the deceased and one injury has been caused to Sanjit Kumar on his left hand, which is not on vital part of his body. So far as the present petitioner is concerned, there is no specific allegation of assault to have been committed by him on any part of the body of the deceased or hand of Sanjit Kumar. He submits that at best the present petitioner is one of the member of the accused persons and is in custody since 23.12.2020.

Learned counsel for the informant Mr. Sheo Kumar



Prasad submits that the trial has progressed considerably and two of the witnesses have already been examined. The learned APP has supported his submission.

Having heard the counsel for the parties and on perusal of the records, it appears that the allegation of assault is not made against the petitioner, however from the very perusal of the F.I.R., it appears that the petitioner was one of the associates of the accused persons and his complicity cannot be ruled out in commission of alleged incidence in which one of the victim has sustained injury and he died on the spot.

Considering the seriousness of the offence, I am not inclined to release the petitioner on bail considering the fact that the trial has progressed considerably.

Accordingly, present bail application is rejected.

The trial court is directed to conclude the trial within a period of six months from today on the day to day basis and the Superintendent of Police, Nawada is directed to produce all the prosecution witnesses in this case and the court below shall also endeavour to conclude the trial before or within the aforesaid period.

In case no substantial progress takes place in the trial within the aforesaid period, the trial court is directed to release



the petitioner forthwith after the completion of the aforesaid period on such terms and conditions as fixed by the court below and reasons to be recorded as to why trial has not been concluded within the aforesaid period even after the accused persons and the prosecution cooperated in the trial.

With the aforesaid observation, this application stands disposed of.

(Purnendu Singh, J)

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