

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44735 of 2021

Arising Out of PS. Case No.-107 Year-2020 Thana- PARWALPUR District- Nalanda

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TRIBHUWAN KUMAR Son of Late Paras Prasad Resident of Village -
Purander Bigha, P.S. Tharthari, District - Nalanda.

... .. Petitioner/s

Versus

The State of Bihar Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	M/s Shivanand Singh Siddharth Harsh, Advocate
For the State	:	Dr. Ajeet Kumar, APP
For the Informant	:	M/s Rajeev Kumar Gautam Shah, Advocates

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

4 02-03-2022 Heard learned counsel for the parties.

The petitioner has preferred this application for grant of regular bail in a case registered under sections 364, 302, 201 and 34 of the Indian Penal Code.

As per the prosecution case, the son of the informant was taken away by the four named accused persons including the petitioner herein as also two unknown accused persons. It is further stated by the informant that he apprehends that he may be killed.

It is submitted by learned counsel for the petitioner that the petitioner has been falsely implicated in the case for oblique reasons. So far as the date of occurrence is concerned,



the same has wrongly been recorded as 3.4.2020 and for the same the informant has already filed a petition before the Investigation Officer to the effect that the same is 3.5.2020. It is further submitted that soon after registration of the FIR the dead body of the deceased was recovered and the postmortem examination carried out. As per the postmortem examination the time of death is much prior to the alleged time of occurrence as mentioned in the FIR. Even the allegations in the FIR are not supported by the postmortem report. The petitioner is in custody since 4.5.2020. He has no criminal antecedent and undertakes to cooperate in the trial.

On query by the Court it is submitted by learned counsel for the petitioner that the trial in the case has proceeded and at present Sessions Trial no. 256 of 2020 is pending in the court of 1st Additional Sessions Judge, Hilsa, Nalanda.

The application for bail is opposed by learned APP for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that the petitioner is not only named in the FIR but there is direct allegation against him. As per instructions received 8 out of 10 witnesses have been examined on behalf of the prosecution in the trial which would also be evident from the contents of the order dated 25.1.2022



passed in Cr. Misc. no. 16797 of 2021.

Having heard learned counsel for the parties and taking into consideration the nature of allegations against the petitioner together with the progress in the trial in the learned court below as also rejection of the application for bail of co-accused Dhanush Prasad @ Dhanusdhari Prasad vide order dated 25.1.2022 passed in Cr. Misc. no. 16797 of 2021, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

Learned trial court is directed to expedite the trial and to conclude the same preferably within four months from the date of receipt / communication of this order.

(Partha Sarthy, J)

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