

**IN THE HIGH COURT OF JUDICATURE AT PATNA**  
**CRIMINAL MISCELLANEOUS No.37692 of 2022**

Arising Out of PS. Case No.-83 Year-2021 Thana- TARABARI District- Araria

Ekhlakh @ Ekhlak Son Of Late Fakaruddin Resident of Mohalla- Baturbari  
Ward No- 17, P.S.- Tarabari, District- Araria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

**Appearance :**

For the Petitioner/s : Mr. Makardhwaj Upadhyay, Adv.

For the Opposite Party/s : Mr. Tapeswar Sharma, APP

**CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN**

ORAL ORDER

4      29-11-2022                      Let the defect(s), if any, be removed within two weeks  
from today.

Heard learned counsel for the petitioner and learned  
A.P.P. for the State.

The petitioner seeks regular bail in connection with  
S.T. No. 331 of 2021 (arising out of Tarabari P.S. Case No. 83 of  
2021), lodged under Section 341, 323, 307, 302, 504 and 506/34  
of the Indian Penal Code.

As per the prosecution case, the informant has  
narrated that in total 14 accused persons have gathered and  
started abusing and assaulting the informant's side. The specific  
allegation against the petitioner is that the petitioner attacked on  
the informant's father with knife, which resulted into death of  
informant's father.

Learned counsel for the petitioner submits that  
petitioner is innocent and has committed no offence. He also  
submits that there is a long pending land dispute between the  
parties. The petitioner's side filed case in the month of May,

2021, whereas, the present case was filed on 03.08.2021 with a view to create pressure on the petitioner's side, for withdrawal of the earlier case. Learned counsel further submits that petitioner is in custody since 04.08.2021 and the antecedent of the petitioner is clean and, charge has also been framed in this case.

Learned A.P.P. for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that charge has already been framed in this case and evidence of prosecution witnesses started. He also submits that there is direct allegation against the petitioner to attack with knife on the neck which resulted into death of the informant's father.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner and the bail application is hereby **rejected**.

Liberty is hereby granted to the petitioner that if trial shall not be concluded within 9 months, the petitioner shall be at liberty to move for prayer for bail.

**(Dr. Anshuman, J.)**

ashishsingh/-

|   |  |   |  |
|---|--|---|--|
| U |  | T |  |
|---|--|---|--|