

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.45871 of 2021**

Arising Out of PS. Case No.-166 Year-2021 Thana- BUXAR District- Buxar

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JITESH @ JITESH KUMAR ARYA S/o Om Nath @ Om Nath Arya R/o
Mohalla- Muneem Chowk, Ward No. 24, P.S.- Buxar (Town), District- Buxar

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

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Appearance :

For the Petitioner/s : Mr.Rajeev Ranjan, Advocate

For the Opposite Party/s : Ms. Dr. Indihar Kumari, A.P.P.

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CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 24-03-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

The petitioner, who is in custody since 15.03.2021 seeks bail in connection with Buxar (Town) P.S. Case No. 166 of 2021, registered for the offence punishable under Sections 147, 149, 341, 323, 498 and 302 of the Indian Penal, pending in the Court of learned Chief Judicial Magistrate, Buxar.

The prosecution case, in brief, is that on 14.03.2021 at about 3.00 P.M. while informant along with her husband Om Babu (deceased) were present at home, all the accused persons named in the F.I.R. including the petitioner arrived there and started to assault the husband of the informant as a result of which her husband sustained serious injuries on his chest and abdomen. Thereafter, all the accused persons dragged down the



husband of informant from stairs. The husband of informant succumbed to his injuries.

Learned counsel appearing on behalf of petitioner submits that petitioner is innocent and he has falsely been implicated in this case. He further submits that there is general and omnibus allegation against the petitioner. He further submits that there is case and counter case between the parties. The petitioner is in custody since 15.03.2021.

Learned A.P.P. for the State vehemently opposed the prayer for grant of bail to the petitioner. He further submits that petitioner is named in the F.I.R. and allegation against him is that with the help of hammer, he along with other co-accused dashed the deceased, which ultimately took his life. The informant is the eye-witness of the occurrence, who has seen the petitioner at the time of occurrence. The injuries is supported by the ante mortem as well as Postmortem report.

Considering the facts and circumstances of the case and the serious nature of allegation made against the petitioner and material which has surfaced in course of investigation, I am not inclined to enlarge the petitioner on bail, at this stage. Accordingly, the prayer for grant of regular bail is rejected.

The Superintendent of Police, Buxar is directed to



produce the remaining prosecution witnesses without fail on the date fixed by the court below.

The learned trial Court is directed to conclude the trial expeditiously, well within a period of nine months. If no substantial progress takes place in trial, the petitioner, if so advised, may renew his prayer for bail after nine month.

(Purnendu Singh, J)

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