

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48097 of 2021

Arising Out of PS. Case No.-231 Year-2020 Thana- KARJA District- Muzaffarpur

Kamal Bhagat S/O Jaga Bhagat R/O Village-Bhagwatpur, P.S-Karja, District-Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ajay Kumar Thakur, Advocate Mrs. Vaishnavi Singh, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP
For the Informant	:	Mr. Pramod Rajpati, Advocate

CORAM: HONOURABLE MR. JUSTICE HARISH KUMAR
ORAL ORDER

4 18-07-2022 Learned counsel for the petitioner is permitted to remove the defect(s), as pointed out by the office, within a period of four weeks from today.

Heard Mr. Ajay Kumar Thakur, learned counsel for the petitioner, Mr. Pramod Rajpati, learned counsel for the informant and learned APP for the State.

The petitioner seeks regular bail, who is in custody in connection with Kajra P.S. Case No. 231 of 2020 registered for the offences punishable under Sections 363/34 of the Indian Penal Code. Later on Sections 302/201 of the Indian Penal Code was also added.

As per prosecution case, it is alleged that on 03.09.2020 at about 7.00 PM while the grandson of the



informant, aged about 12 years, was playing, in the meantime, the petitioner along with one another co-accused allegedly came on motorcycle and by alluring him took away on their motorcycle and later on the dead body of the boy was found.

It is submitted by the learned counsel appearing on behalf of the petitioner that with regard to an occurrence, which took place on 03.09.2020, the present F.I.R. has been instituted on 04.09.2020 and the same has been sent to the court on 07.09.2020 and, as such, the entire story appears to be suspicious. It is next submitted that save and except the allegation that the grandson of the informant was lastly seen with the petitioner, there is no other material, which suggests the involvement of the petitioner in actual killing the victim boy. It is next submitted that the petitioner is in custody since 07.09.2020 and the non-official charge-sheet witnesses have been examined.

On the other hand, learned counsel for the informant vehemently opposes the bail application and submits that the victim was lastly seen along with the petitioner and thereafter his dead body was found.

Having regard to the submissions made on behalf of the parties and considering the nature of the accusation as also



the present status of the trial that out of five non-official witnesses, four have already been examined in this case and further the summons to the Doctor and the Investigating Officers have already been issued, this Court is not persuaded to enlarge the petitioner on bail.

Accordingly, the prayer for grant of bail to the petitioner is hereby rejected, for the present.

However, it is expected that the learned trial court will take all effective and necessary steps to ensure the conclusion of the trial within a period of three months from the date of receipt/production of a copy of this order.

If the trial is not concluded within the aforesaid period, the petitioner would be at liberty to renew his prayer for bail.

(Harish Kumar, J)

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