

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.51047 of 2021**

Arising Out of PS. Case No.-189 Year-2021 Thana- JAKKANPUR District- Patna

=====

Satish Kumar @ Satish Kumar Singh Son of - Sushant Singh Resident of
Village - Kopa Samhota, P.S. - Kopa Dist. - Saran.

... .. Petitioner

Versus

The State of Bihar

... .. Opposite Party

=====

Appearance :

For the Petitioner/s	:	Mr.Chandra Mohan Jha
For the Opposite Party/s	:	Mr.Binod Kumar
For the informant	:	Mr. Rampravesh Singh

=====

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

3 22-02-2022 Heard learned counsel for the petitioner Mr. Chandra Mohan Jha, learned counsel for the informant Mr. Ram Prawesh Kumar and learned A.P.P. Mr. Binod Kumar No. III for the State.

The petitioner seeks regular bail in connection with Jakkanpur P.S. Case No. 189 of 2021 instituted for the offences under Section 302 of the Indian Penal Code read with Section 34 of the Indian Penal Code.

Learned counsel for the petitioner submits that the petitioner is a student of Patna St. Michael, Ashok Nagar, Kankarbagh, Patna and had passed his Xth examination from such school in the year 2017 with 10th CGPA, thereafter, the



petitioner did his +2 from Ramdyaal Shubhnarayan S.S. School Kaushal, Chapra and scored first division. The learned counsel further submits that the petitioner prior to the occurrence had obtained diploma for the purpose of appearing in the Air Force examination as the father of the petitioner retired from the Air Force. The learned counsel submits that from perusal of the FIR it would manifest that the informant in the first part of the FIR alleges that four named accused persons who were working in the bus stand had threatened his son (deceased) to leave the job and in the second part of the FIR it is alleged that this petitioner along with Avinash and other named accused persons assaulted the son of the informant leading to death. The learned counsel submits that from perusal of the allegation in the FIR it would manifest that the petitioner is alleged to be one of the main assailants of the deceased. The learned counsel submits that neither the knife which was used in the occurrence was recovered during the course of the investigation nor, the post mortem report came on record and in absence of such material evidence, the police in a mechanical manner submitted charge-sheet against the petitioner in June, 2021. As such, the learned counsel submits that charge-sheet has been submitted in absence of material evidence, the petitioner deserves to be released on



bail as even the background of the petitioner is such that it does not appear probable that he would have been in association of Khalashi, who was working in the bus stand, it is submitted that sister of Avinash on the fateful day came from Bokaro and the deceased along with his associates were teasing her when she called her brother, Avinash who along with this petitioner came to fetch her from the bus stand and scuffle took place and in the scuffle the learned counsel submits that the deceased and his associates held out knife and on account of which in the scuffle the deceased died. Learned counsel submits that since the petitioner is a student and has nothing to do with the deceased or his associates then does not stand to reason that how come the informant came to know that it was petitioner and Avinash who committed the occurrence, moreso when the deceased had never informed the informant about the petitioner.

The learned counsel for the informant opposes the bail application and submits that trial has commenced and out of four witnesses, one witness has been examined as such enlarging the petitioner at this stage is not warranted.

Considering the submissions made by the learned counsel for the informant and the learned APP, the Court for the present is not inclined to grant bail to the petitioner, the learned



court below is directed to ensure that the trial is completed within a period of four months from the date of receipt/production of a copy of this order. In the event, trial is not concluded within the time aforesaid, the petitioner will be at liberty to renew his prayer for bail.

(Satyavrat Verma, J)

Ravi/-

U		T	
---	--	---	--

