

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No. 40900 of 2022

Arising Out of PS. Case No.-96 Year-2021 Thana- BADHAILA District- Rohtas

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Rajesh Kumar S/o- Shiv Narayan Mahto @ Shiv Narayan Singh R/o Village -
Siyanwak, P.S.- Baghaila, District - Rohtas at Sasaram.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Deovind Kumar Singh, Adv.

For the Opposite Party/s : Mr. Madhura Nand Jha, APP

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN

ORAL ORDER

4 23-11-2022 Let the defect(s), if any, be removed within two weeks
from today.

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

The petitioner seeks regular bail in connection with
Session Trial No.- 101 of 2022, arising out of Baghaila P.S.
Case No. 96 of 2021 lodged under Sections 147, 148, 341, 342,
504, 506, 302, 120(B) of the I.P.C. read with Section 27 of the
Arms Act.

As per the prosecution case, the informant has
disclosed that on the date of occurrence at about 4 P.M., his
father have reached the temple for *Sandhya* and *Arti*. It has been
alleged that the 6 named accused persons including the present
petitioner reached there with duly arms and surrounded the

temple thereafter started abusing his father who went there to close the main gate of the temple but the named accused including the present petitioner forcefully entered in the temple. The allegation of killing by *desi katta* is upon other accused persons other than the petitioner. Specific allegation against the petitioner is that he is the instigator to kill him. Subsequently, when the family member of the petitioner reached there, all were fled away and due to injury of fire arms the father of the informant declared died.

Learned counsel for the petitioner submits that petitioner is innocent and has committed no offence. He submits that the antecedent of the petitioner is clean and he is in custody since 13.12.2021.

Learned counsel for the State opposes the prayer for bail.

Learned counsel for the informant vehemently opposes the prayer for bail and submits that it is the petitioner who has played the important role and he is the king-pin who collected all the accused persons for commission of this crime. Counsel for the informant further submits that if the accused persons shall be released then they will create hurdle in adducing of evidence. Upon specific query that whether charge

has been framed or not, counsel submits that charge has been framed and one witness has been examined today itself.

In the present facts and circumstances of this case and the submissions made above, I am not inclined to grant bail to the petitioner but liberty is hereby granted that he may renew his prayer for bail 3 months from today.

The Trial Court is directed to expedite the trial and informant is directed to complete his evidence as earliest as possible.

With this observation, the bail application stands rejected.

(Dr. Anshuman, J.)

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