

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.58914 of 2021**

Arising Out of PS. Case No.-40 Year-2021 Thana- BHAGWANPUR District- Kaimur
(Bhabua)

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LAL BABU RAM S/o GANGA RAM R/o VILLAGE-TORI, P.S-
BHAGWANPUR, DISTRICT-KAIMUR AT BHABUA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Pawan Kumar Singh
For the Opposite Party/s	:	Mr.Md. Shakir Ahmad
For the informant	:	Mr. Kumar Sunil

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

4 25-04-2022 Heard the learned counsel for the petitioner, the
learned APP for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the
offences under Sections 341, 323, 307, 34 of the Indian Penal
Code.

The learned counsel for the petitioner submits that the
petitioner is in custody since 21.07.2021, he is a person with
clean antecedent, charge-sheet has been submitted and the
informant alleges that on the date of occurrence, unknown
accused brutally assaulted the son of the informant, who died
during the course of treatment.

The learned counsel for the petitioner submits that the
informant is not an eye witness to the occurrence, the FIR was



against unknown and based on suspicion, the petitioner came to be arrested and he was made to confess his participation in the crime before the police which has no evidentiary value.

The learned counsel for the informant and the learned APP for the State vehemently oppose the bail application and submit that during the course of investigation, it came that the deceased was in love with the daughter of the petitioner and they wanted to marry, but their relationship was being objected by the petitioner, hence on the date of occurrence, he assaulted with lathi on his head as he had confessed after his name transpired in the investigation based on CDR. The learned counsel for the informant thus submits that circumstances are such that it points for the present towards the petitioner that he committed the occurrence. It is further submitted that charges have been framed and trial has commenced and out of 13 charge-sheet witnesses, one witness has been examined. The learned counsel for the informant based on instruction undertakes before this Court that the trial would be concluded within a period of seven months from today as all the non-official witnesses would appear as and when required by the learned Court below.

Considering the submissions made by learned counsel



for the informant, the Court, for the present, is not inclined to grant bail to the petitioner, therefore, the prayer for bail is rejected.

However, the learned trial Court is directed to ensure that the trial is completed within a period of seven months and the D.M. Kaimur and the S.P., Kaimur are directed to ensure that the official witnesses appear in the trial as and when required by the learned Court below, in the event if it is found that the official witnesses did not appear in trial on the date fixed consequences would follow. In the event if the trial is not completed within the aforesaid period as directed, the petitioner will be at liberty to renew his prayer for bail by moving the learned Court below itself. If the learned Court below comes to a considered conclusion that the trial is delayed on account of the accused persons, in that event, the learned Court below will pass a reasoned order taking independent decision.

(Satyavrat Verma, J)

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