

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61616 of 2021**

Arising Out of PS. Case No.-161 Year-2020 Thana- BIHRA District- Saharsa

Vikash Kamat, Son of Anil Kamat Resident of Village- Sinhaul, Ward No. 6,
P.S.- Bihra, District- Saharsa.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Kanchan Kumar Singh, Advocate

For the Opposite Party/s : Mr.Ashok Kumar Singh, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

4 06-09-2022 Heard learned counsel for the petitioner and learned
APP for the State.

Let the defect (s), as pointed out by the office, be removed within a period of four weeks from the date of resumption of physical filing and physical removal of defect.

In the present case, the petitioner seeks bail in connection with Sessions Trial No. 30 of 2021, arising out of Bihra P.S. Case No. 161 of 2020, registered for the alleged offences under Sections 341, 323, 324, 307, 302, 504, 506 and 34 of the Indian Penal Code.

As per the prosecution case, the petitioner is the nephew of the informant. The informant had some altercation with his elder brother and sister-in-law over widening of the way as they were putting 'taat'. However, the matter was



pacified on the intervention of the villagers. After some time, the sister-in-law and the nephew of the informant caught the informant and put him down and the petitioner gave a knife blow on his chest and he fell down. When the son of the informant tried to save him, the petitioner gave a knife blow on the neck of the son of the informant and also tried to strangle him. The son of the informant was taken to the hospital where he was declared brought dead.

The learned counsel for the petitioner submits that the occurrence took place on dispute over widening of the path. The petitioner and the informant are agnates and the petitioner has been dragged in this false case due to the dispute between two families. The occurrence took place in the broad day light but there appears no eye witness. Though the informant has alleged that he was given knife blow on the chest but the injury was found at his abdomen. Nothing incriminating has been recovered from this petitioner or at his instance. The petitioner has no criminal antecedent and he is in custody since 21.07.2020. The trial has proceeded and the prosecution witnesses are being examined and there is no chance of interference in the trial by the petitioner.

Learned APP opposes the prayer for bail submitting



that there is specific allegation against the petitioner and the witnesses in paragraphs 23, 24 and 25 of the case diary have supported the prosecution case. The learned APP further submits that the post mortem report shows the cause of death was due to excessive bleeding leading to shock & Cardio-respiratory failure due to external sharp incised injury on left side of neck.

Perused the records.

Having regard to the facts and circumstances and submissions made hereinabove and considering the fact that there is specific allegation against this petitioner for giving knife blow on the neck of the deceased and corresponding injury has been observed and the same injury is also the cause of death of the deceased and therefore, I am not inclined to enlarge the petitioner on bail at this stage.

Accordingly, his prayer for bail is rejected.

However, learned trial court is directed to expedite the trial and conclude the same within one year.

(Arun Kumar Jha, J)

V.K.Pandey/-

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