

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.61600 of 2021

Arising Out of PS. Case No.-146 Year-2015 Thana- UCHKAGAON District- Gopalganj

SURENDRA BHAGAT @ BHAGAT @ SURENDRA SINGH Son of Late
Sewak Singh @ Sewak Bhagat Resident of Village - Barari Jagdish, P.S.
Uchakagaon, District - Gopalganj.

... .. Petitioner

Versus

THE STATE OF BIHAR

... .. Opposite Party

Appearance :

For the Petitioner/s : Mr.Shambhu Sharan Singh, Advocate

For the Opposite Party/s : Mr.Amit Kumar Rakesh, A.P.P.

Mrs. Asha Devi, A.P.P.

CORAM: HONOURABLE MR. JUSTICE PURNENDU SINGH
ORAL ORDER

3 17-05-2022 Heard learned counsel for the petitioner and learned
A.P.P. for the State.

Let the defect(s) be removed within two weeks of the
complete start of the physical Court in normal course.

The petitioner seeks regular bail in connection with
Uchkagaon P.S. Case No. 146 of 2015, registered for the offence
punishable under Section 302/34 of the Indian Penal Code,
pending in the Court of learned Chief Judicial Magistrate,
Gopalganj.

Prosecution story, in brief, is that the accused persons
named in the F.I.R., including the petitioner, resorted to assault
the victim. The specific allegation against the petitioner is that
he had thrown acid on the face of the victim. The victim died on
the spot.



Learned counsel appearing on behalf of petitioner submits that petitioner is innocent and he is a retired military man and there is long standing land dispute between the parties. The petitioner has been roped in the present case due to enmity. He further submits that the victim was alcoholic and in paragraph No.17 of the case diary, it has also come that victim was alcoholic and over-drinking is the cause of death. There is no eye-witness in the present case. The story, as alleged in the F.I.R., has been narrated to the informant by one Pawan Kumar, but his statement has not been recorded to substantiate the allegation made in the F.I.R. The petitioner has clean antecedent and there is no allegation of tampering the evidence or influencing the witnesses. The petitioner deserves to be released on bail.

Smt. Asha Devi, learned A.P.P. for the State submits that direct allegation has been alleged against the petitioner. There is lacuna in conduct of the investigation, admittedly, in the present case statement of eye-witness Pawan Kumar, who is 12 years old, has not been recorded. The injury sustained on the body of the victim/deceased is supported by Postmortem.

Considering the facts and circumstances of the case taking into consideration that there is direct allegation of having



committed assault due to which the victim died. I am not inclined to enlarge the petitioner on bail, at this stage. Accordingly, the prayer for grant of regular bail is rejected.

However, the learned trial Court is directed to conclude the trial expeditiously, well within a period of nine months. If no substantial progress takes place in trial, the petitioner, if so advised, may renew his prayer for bail after nine month.

(Purnendu Singh, J)

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