

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.63735 of 2021

Arising Out of PS. Case No.-226 Year-2019 Thana- SHAHKUND District- Bhagalpur

Amresh Kumar @ Rakesh Kumar, S/O Umesh Sah, R/o village- Jhitkiya,
P.S.- Shahkund (Sajor), District- Bhagalpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ranjeet Kumar Singh, Advcoate
For the Opposite Party/s	:	Md. Aslam Ansari, Advocate
For the State	:	Mr. Ajay Kumar Jha, APP

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 23-08-2022 Heard learned counsel for the petitioner, learned APP
for the State and learned counsel for the Informant.

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 Shahkund P.S. Case No. 226 of 2019 registered for the alleged offences under Sections 302 and 34 of the Indian Penal Code.

As per prosecution case, the petitioner and other co-accused persons slit the throat of the mother-in-law of the informant.

The learned counsel for the petitioner submits that the



petitioner is innocent and has been falsely implicated in this case due to previous enmity between the co-accused Umesh Sah and the deceased. There is no direct allegation of murder against the petitioner rather it is against the co-accused Umesh Sah that he slit the throat on mother-in-law of the informant. The other co-accused person namely Chotu Sah has been granted anticipatory bail by a Co-ordinate Bench vide order dated 07.07.2021 passed in Cr. Misc. No. 31498 of 2020 and another co-accused Ranjeet Sah has been granted Anticipatory Bail by the same Co-ordinate Bench vide order dated 20.07.2021 passed in Cr. Misc. No. 5180 of 2021. This petitioner is in custody since 05.02.2021 and charge-sheet has been submitted.

Learned APP opposes the prayer for bail submitting that the informant named the petitioner and other co-accused persons in the FIR. Learned APP further submits that from the FIR, it is clear that this petitioner caught hold of the deceased and kept her gagged and put her down and co-accused Umesh Sah slit her throat. Post mortem report shows incised wound in the middle of the neck and cause of death was stated to be haemorrhage and shock.

Perused the records.

Having regard to the facts and circumstances and



considering the submission made on behalf of the parties and further considering the specific nature of allegation against this petitioner that he caught hold of and put down the mother-in-law of the informant while the co-accused was slitting her throat, I am not inclined to grant bail to the petitioner. Hence, the prayer for bail is rejected.

However, the trial court is directed to expedite the trial and conclude the same preferably within a period of nine months.

(Arun Kumar Jha, J)

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