

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.64177 of 2021

Arising Out of PS. Case No.-96 Year-2020 Thana- SANOKHAR District- Bhagalpur

Parmanand Mahto, Son of Jaikaran Mahto, resident of Village - Ghuthiyani,
P.S.- Amdanda, Distt.- Bhagalpur.

... .. Petitioner/S

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Tarun Prasad Mandal

For the Opposite Party/s : Mr. Anand Kishore Choudhary

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

2 31-03-2022 Heard learned counsel for the petitioner and learned
APP for the State.

The petitioner seeks bail in a case registered for the offences punishable under Sections 302 and 307 of the Indian Penal Code and Section 27 of the Arms Act.

The learned counsel for the petitioner submits that the petitioner is in custody since 14.08.2020, charge-sheet has been submitted in this case and has antecedent of one case under the Arms Act, which was instituted by the police with respect to the present occurrence.

The learned counsel for the petitioner further submits that the informant alleges that he heard sound of firing and came out of his house and saw that his son (petitioner) shot his own brother Panchanand Kumar @ Anand, when the informant



raised alarm, the petitioner fired at him also, but missed. Further his son Anand died.

The learned counsel for the petitioner submits that petitioner has been falsely implicated in the present case as the F.I.R. does not even remotely disclose the reason for the occurrence. It is submitted that no occurrence is committed without any reason, in absence of reason in the F.I.R., it can be safely argued that the informant for ulterior reason has tried to implicate the petitioner, who is his own son by alleging that he killed his own brother. The learned counsel further submits that the charges against the petitioner has been framed on 10.03.2021 and till date, not a single witness has been examined.

Learned A.P.P. opposes the bail application and submits that no father would falsely implicate his own son by alleging falsely that he killed his own brother.

Considering the submissions made by the learned A.P.P. for the State, the Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer for bail of the petitioner stands rejected for the present.

However, the learned Court below is directed to



expedite the trial and to conclude the same, preferably within a period of nine months from the date of receipt/ production of a copy of this order.

The Senior Superintendent of Police, Bhagalpur will ensure that the prosecution witnesses are produced in the trial as and when required by the learned Court below and will also ensure that the official witnesses appear in the Court without undue delay as and when required. In the event, if the trial could not be concluded within a period of nine months as directed, the petitioner would be at liberty to renew his prayer for bail from the learned Court below itself.

Office is directed to send a copy of this order to the Senior Superintendent of Police, Bhagalpur forthwith.

(Satyavrat Verma, J)

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