

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69994 of 2021

Arising Out of PS. Case No.-494 Year-2021 Thana- BANKA District- Banka

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Birbal Maharana @ Biru Maharana @ Birbal S/o Rudo Maharana R/o village-
Mirjapur, P.S.- Banka (Barahat), District- Banka

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Krishna Prasad Singh, Sr. Advocate
	:	Mr. Bharat Lal, Advocate
	:	Mr. Rabindra Kumar, Advocate
For the State	:	Mr. Ganesh Prasad Singh, APP
For the Informant	:	Mr. Mritunjay Pd. Singh, Advocate

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CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

5 28-11-2022 Heard learned senior counsel appearing on behalf of

the petitioner, learned APP appearing on behalf of the State and

learned counsel appearing on behalf of the informant.

Let the defect(s), if any, be removed within a period
of four weeks from today.

The petitioner seeks bail in connection with Banka
(Barahat) P.S. Case No. 494 of 2021 registered for the offence
under Sections 147, 148, 149, 341, 323, 307, 302 and 120(B) of
the Indian Penal Code and Section 27 of the Arms Act.

The accused/petitioner is named in the F.I.R. and is in
custody since 30.06.2021.

The allegation against the petitioner is to commit



murder of brother of the informant, alongwith other co-accused persons, by causing fire arm injury, due to land dispute.

Learned senior counsel, Mr. Krishna Prasad Singh, appearing on behalf of the petitioner submitted that petitioner has been falsely implicated in the present case due to land dispute and, in fact, the occurrence is appearing free fight in nature, as per the face of F.I.R. It is submitted that petitioner is in custody since 30.06.2021 and in the last one and five months, only two witnesses have been examined by the learned Trial Court, as submitted by learned counsel for the informant, during the course of argument, which itself is evident of the fact that trial is not likely to conclude in the near future. While concluding the argument, it is submitted that petitioner is a man of clean antecedent and, moreover, investigation in this case is complete for which chargesheet has been submitted, as such, there is no chance of tampering with the evidence.

Learned APP duly assisted by learned counsel appearing on behalf of the informant, Mr. Mritunjay Pd. Singh, submitted that specific allegation regarding fatal fire arm injury is available against this petitioner, where informant is the eye witness of the occurrence.

In view of the facts and circumstances, as mentioned



above, as allegation of fatal fire arm injury is available against this petitioner, where informant is the eye witness of the occurrence, this Court is not inclined to grant bail to the petitioner.

Accordingly, the prayer of bail of the petitioner is rejected herewith.

However, learned Trial Court is directed to conclude the matter by taking it on board, on day to day basis, if required, and conclude the trial within a period of six (06) months from the date of receipt of a copy of this order.

Superintendent of Police, Banka is directed to produce all the chargesheeted witnesses, as and when directed by the learned Trial Court, so as to conclude the trial within the aforesaid time period, as directed above.

(Chandra Shekhar Jha, J)

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