

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.69839 of 2021

Arising Out of PS. Case No.-57 Year-2021 Thana- SIGAUDI District- Patna

Arbind Kumar, Son of Kashi Prasad @ Kashi Mahto, Resident of Village -
Selhauri, P.S.- Dulhin Bazar, Distt.- Patna.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ashok Kumar Sinha, Advocate
For the Opposite Party/s	:	Mr. Amitesh Kumar, APP
For the Informant	:	Mr. Rudra Deo, Advocate

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

3 10-10-2022 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.

In the present case, the petitioner seeks bail in
connection with Sigori P.S. Case No. 57 of 2021 registered for
the alleged offences under Sections 341, 323, 324, 307 and
506/34 of the Indian Penal Code.

As per prosecution case, the petitioner is the step-
brother of the informant and on the alleged dated of occurrence,
the brothers-in-law or the petitioner caught hold of informant
and tried to slit his throat in order to kill him. However,
somehow the life of the informant was saved. The informant



further alleged that the petitioner got to crime committed to grab the family property.

The learned counsel for the petitioner submits that the petitioner is innocent and he has been falsely implicated in this case and he was not present at the place of the occurrence or even near the place of occurrence. But during investigation, no direct or indirect evidence has come to show that there has been any agreement between the petitioner and other co-accused persons to do the alleged act. The petitioner has got no concern with the ancestral property. He has settled in his matrimonial place and occasionally visits his parental house. In order to oust the petitioner from the ancestral property, informant has falsely implicated him in this case. There is no material to prove the conspiracy angle and except for suspicion no evidence has come during investigation against this petitioner. The petitioner is in custody since 22.08.2022 and charge-sheet has been submitted.

Learned APP as well as learned counsel appearing on behalf of the informant oppose the submissions made on behalf of the petitioner. It has been submitted on behalf of the informant that the petitioner entered into a conspiracy with his co-accused brothers in law and tried to kill the informant and confessed his crime before police. Learned counsel further



submits that the other co-accused persons have been engaged by this petitioner to kill the informant as the informant is the only son of his mother, who is the second wife of the father of the petitioner and the informant.

Perused the records.

Having regard to the facts and circumstances and considering the nature of allegation against the petitioner which quite serious and grave, I am not inclined to enlarge the petitioner on bail. Hence, the prayer for bail is rejected.

However, the learned 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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