

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.3095 of 2022

Arising Out of PS. Case No.-260 Year-2021 Thana- VAISHALI District- Vaishali

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Ramesh Kumar Bhagat Son of Anil Bhagat Resident of Village - Salempur,
P.S. - Lalganj, District - Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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with
CRIMINAL MISCELLANEOUS No. 6590 of 2022

Arising Out of PS. Case No.-260 Year-2021 Thana- VAISHALI District- Vaishali

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Anil Kumar Son of Vinod Ram @ Vinod Ray Resident of Village-
Bhagwanpur Ratti, tola Chaknayat, P.S.- Vaishali, District- Vaishali.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

(In CRIMINAL MISCELLANEOUS No. 3095 of 2022)

For the Petitioner/s : Mr. Santosh Kumar

For the Opposite Party/s : Mr. Sunil Kumar Pandey

(In CRIMINAL MISCELLANEOUS No. 6590 of 2022)

For the Petitioner/s : Mr. Shyameshwar Kumar Singh

For the Opposite Party/s : Mr. Nawal Kishore Prasad

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 12-01-2023 Heard Ld. counsel for the petitioners and Ld. APP

for the State.

The petitioners seek bail in connection with Vaishali

P.S. Case No. 260 of 2021, registered for the offences



punishable under Sections 341, 323, 363, 376 (D), 302 and 34 of the Indian Penal Code and 4/8 of the POCSO Act, 2012.

The prosecution story as emerges from the FIR is that when informant's grand-daughter aged about 16 year was sleeping in a room, accused-petitioner along with his associates kidnapped the victim and committed gang rape and thereafter they killed her.

Ld. counsel for the petitioners submits that the petitioners are innocent and have falsely been implicated in this case in fact, this is a case of owner killing and only to save his skin, the accused-petitioners have been falsely implicated by the informant.

He further submits that the petitioners, namely, Ramesh Kumar Bhagat and Anil Kumar have been languishing in jail since 29.06.2021 and 01.07.2021 respectively.

It has also been stated in paragraph no. 3 of the bail petition that the petitioners have no criminal antecedents.



It is also stated in paragraph no. 2 of the bail petition that the petitioners have not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State vehemently opposes the prayer of the petitioners for bail submitting that the prosecution evidence has already been completed and Trial is at its fag end. He further submits that prosecution case has been fully supported by prosecution witnesses.

Considering the aforesaid facts and circumstances, particularly, seeing the stage of the trial, I am not persuaded to enlarge the petitioners on bail at this stage.

This appeal is accordingly dismissed.

Ld. counsel for the petitioners is directed to remove all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

At this stage, Ld. Counsel for the petitioners submits that they are willing to examine their defence witness on daily basis.



Hence, Trial Court is requested to accommodate
dates in the case on day to day basis, if possible or at least
conclude the trial at the earliest.

(Jitendra Kumar, J)

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