

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.8351 of 2023**

Arising Out of PS. Case No.-222 Year-2020 Thana- AURAI District- Muzaffarpur

Anjit Sah @ Anjit Kumar @ Ajit Kumar Son of Ganesh Sah R/v- Nayagaon
Tole Usri Besi, P.S.- Aurai, District- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Nachiketa Jha, Advocate

For the Opposite Party/s : Mr. Rajendra Prasad Nat, APP

**CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER**

6 21-06-2023 Heard learned counsel for the petitioner and learned
APP for the State.

02. Let the defect (s), if any, as pointed out by the
office be removed within a period of four weeks.

03. In the present case, the petitioner seeks bail in
connection with Aurai P.S. Case No. 222 of 2020 registered on
14.11.2020 for the alleged offences under Sections 147, 148,
149, 341, 323, 307, 325, 504 and 302 of the Indian Penal Code.

04. As per prosecution case, in the background of
some land dispute, the petitioner and some other co-accused
persons assaulted the husband of the informant and one Raj
Kumar Sah, causing their death.

05. Learned counsel for the petitioner submits that
this is the second attempt of the petitioner to get bail from this



Court, as earlier the prayer for bail of the petitioner was rejected vide order dated 05.07.2022 passed in Criminal Misc. No. 41292 of 2021 whereby the learned trial court was directed to conclude the trial within a period of six months and the petitioner was granted liberty to renew his prayer for bail, if the trial was not concluded within the aforesaid period. Learned counsel further submits that the petitioner has been falsely implicated in his case. From the FIR, it is apparent that the allegations are general and omnibus against the petitioner and others. The allegation against this petitioner is that of giving a hammer blow to the deceased persons, but allegation of causing serious injury by deadly weapon is against other co-accused persons and one such co-accused, namely, Mahendra Sah has been granted bail by a Co-ordinate Bench vide order dated 14.12.2021 passed in Criminal Misc. No. 37886 of 2021. Learned counsel further submits that the matter has been pending at the stage for recording of the evidence of accused persons and due to non-appearance of co-accused Mahendra Sah, the same could not be recorded. There is no chance of tampering with evidence and the petitioner is in custody since 28.11.2020.

06. Learned APP for the State opposes the prayer for



bail, submitting that there is serious allegation against the petitioner and others and two persons from the informant's side died in the assault by the petitioner and others. The postmortem report is also supported the fact about assault by the petitioner and others. The deceased persons received 8-9 injuries.

07. Perused the record.

08. Towards compliance of the order dated 10.05.2023, a report has been received from the court of learned 13th Additional District & Sessions Judge, Muzaffarpur, wherein he has sought extension of 15 days period for conclusion of trial and judgment. The prayer of the learned trial court is allowed.

09. Having regard to the facts and circumstances and also considering the intensity of assault, I do not find any merit to reconsider the prayer for bail of the petitioner. Hence, his prayer for bail is rejected.

10. The learned trial court is directed to abide by its undertaking for early conclusion of the trial.

(Arun Kumar Jha, J)

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