

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.24390 of 2023

Arising Out of PS. Case No.-39 Year-2022 Thana- CHAKAND District- Gaya

Subhendu Kumar Jatti @ Sri Suwendu Son Of Late Barhambarar Jatti,
Resident of Plot No 1530/3495 Jagannath Nagar, Lane No 4, GP Colony, P.S-
Khorda Shahid Nagar, Distt- Khorda (Orissa) presently residing at Haster GD
Goyenka Public School, Gaya Patna Highway Village- Rasalpur, P.S.
Chakand, District- Gaya

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Ramakant Sharma, Sr. Advocate Mr. Shivendra Prasad, Advocate
For the Informant	:	Mr. Pramod Rajpati Mr. Ankur Govind, Advocates
For the Opposite Party/s	:	Mr. Anand Kishore Choudhary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 02-08-2023 Heard Mr. Ramakant Sharma, learned Senior
counsel for the petitioner, learned counsel appearing on behalf
of the Informant and learned APP for the State.

2. Petitioner seeks bail, who is in custody since
16.01.2023 in connection with Chakand P.S. Case No. 39 of
2022, F.I.R. dated 16.02.2022 registered for the offences
punishable under Sections 302, 304 and 120(B) of the Indian
Penal Code.

3. Allegation against the petitioner is that he had
brutally assaulted and harassed the deceased by keeping him to
stand outside the class room. It is further alleged that on the



date of occurrence when the class was over and the deceased had taken his seat in the school bus, the accused petitioner had called him back and meted him with cruelty and harassment, the deceased returned to bus in sear fright and timidity and he had fallen unconscious in the school bus and later on died due to hemorrhagic infraction of the spleen.

4. Learned Senior counsel for the petitioner submits that the petitioner has clean antecedent and he has been falsely implicated in the present case. He further submits that the allegation as alleged in the F.I.R. is false and fabricated and the petitioner has not committed any offence as alleged in the F.I.R.

5. Learned counsel appearing on behalf of the Informant as well as learned APP for the State, on the other hand, on the basis of material available on record and the case diary, vehemently opposed the prayer for bail of the petitioner, submits that there is direct and specific allegation against the petitioner that he had brutally assaulted and harassed the deceased by keeping him to stand outside the class room and number of witnesses have supported the prosecution version during investigation.

6. Vide order dated 17.07.2023, a report was called for with regard to the stage of the trial. Report dated



27.07.2023 of the learned Trial court reveals that charge has been framed on 17.04.2023 and out of twelve witnesses, three witnesses have already been examined and the case is pending for the examination of rest of the prosecution witnesses.

7. In view of the aforesaid facts as well as the report of the learned Trial court, I am not inclined to enlarge the petitioner on bail in connection with Chakand P.S. Case No. 39 of 2022 pending in the Court of learned Judicial Magistrate 1st Class, Gaya.

8. Prayer is refused.

9. However, the learned Trial court is directed to expedite the trial and conclude the same at the earliest.

(Rajesh Kumar Verma, J)

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