

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.29371 of 2022

Arising Out of PS. Case No.-203 Year-2021 Thana- CHARPOKHARI District- Bhojpur

ANIL SINGH SON OF RAMSUBHAG YADAV @ RAM SUBHAG SINGH
R/O VILLAGE- AGNUCHAK, PRITAMPUR, P.S.- CHARPOKHARI,
DISTRICT- BHOJPUR

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. Gajendra Prasad Yadav, Advocate
For the Opposite Party/s	:	Mr. Murli Dhar, A.P.P.
For the Informant	:	Mr. Anand Vardhan, Advocate

CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL ORDER

5 08-02-2023 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for the informant.

The petitioner seeks bail in a case registered for the offences punishable under Sections 341, 342, 504, 302, 379, 120(B) and 34 of the Indian Penal Code and Section 27 of the Arms Act.

Learned counsel for the petitioner submits that the petitioner has antecedent of two cases and is in custody since 26.11.2021.

Learned counsel next submits that though the informant is alleged to be an eye-witness to the occurrence, but then, the manner in which the FIR has been instituted, the body has been sent for postmortem and reaching of the police at the



place of occurrence and not recording the fardabayan of the informant at the place of occurrence and preparing the inquest on 15.11.2021 at 4:30 pm, sending the dead body before the forensic expert on 15.11.2021 at 9:00 pm and the FIR being instituted on 16.11.2021 at 5:30 am when the occurrence is alleged to have taken place at 2:00 pm on 15.11.2021 are some aspects of the matter which points towards false implication on account of political rivalry as it has been alleged in the FIR also.

Learned counsel next submits that the charges have been framed on 29.09.2022 and the trial has commenced but despite issuance of summons to the witnesses, none have appeared up till now. This further demonstrates that the informant is only interested in keeping the petitioner behind bars or else he would have taken interest in the case and would have made efforts to get the trial concluded as expeditiously as possible.

Learned A.P.P. for the State and the learned counsel for the informant opposes the bail application and submits that the petitioner is alleged to be the main assailant.

Considering the submissions made by the parties, the Court, for the present, is not inclined to release the petitioner on bail, as such, the bail application is rejected.



However, if the trial is not concluded within a period of nine months from the date of the receipt production of a copy of this order, the petitioner would be at liberty to renew his prayer for bail and if the petitioner would be able to demonstrate that for no fault of his, the trial could not be concluded that would be an aspect in his favour to be considered when bail is rejected.

(Satyavrat Verma, J)

HarshPandey/-

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