

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.34312 of 2023

Arising Out of PS. Case No.-18 Year-2021 Thana- SARMERA District- Nalanda

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KUNDAN KEWAT SON OF JAY RAM KEWAT RESIDENT OF VILLAGE-
MOHADIPUR, PS- SARMERA, DISTT- NALANDA

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Raj Kishor Prasad

For the Opposite Party/s : Mr.Uday Pratap Singh

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

2 28-06-2023 Heard Ld. counsel for the petitioner and Ld. APP

for the State.

The petitioner seeks bail in connection with

Sarmera P. S. Case No. 18 of 2021, registered for the

offences punishable under Sections 341, 323, 302, 385,

387, 504, 506 and 34 of the Indian Penal Code and Section

27 of the Arms Act, 1959.

As per the prosecution case, the informant and her

husband went to the market for purchasing some household

articles. When they were returning from the market, one

Kundan Kewat along with Gauri Kewat waylaid the informant

and her husband and demanded Rangdari of Rs. 10,000/-.



When the husband of the informant refused to give him the money, Gauri Kewat opened fire on the husband of the informant, on the order of Kundan Kewat, which hit the chest of the deceased. They also assaulted the deceased by fists and slaps.

Ld. counsel for the petitioner submits that the petitioner had moved this Court earlier for regular bail vide 13720 of 2022 and another analogous case, which was rejected *vide* order dated 17.08.2022.

He further submits that allegedly the petitioner is only an order giver and not the assailant and as such the allegation against him is not serious.

However, Ld. APP for the State vehemently opposes the prayer of the petitioner for bail submitting that the order giver is equally guilty like assailant and as such in view of the allegation of committing murder of an innocent victim, the nature of offence is serious and he does not deserve bail.

Considering the nature of allegation and the material on record, I am not persuaded to enlarge the



petitioner on bail even at this stage.

However, the trial court is directed to expedite the trial and in case the trial is not concluded within a period of one year, the petitioner is at liberty to renew his prayer for bail.

With the aforesaid liberty, the bail application stands rejected.

(Jitendra Kumar, J)

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