

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33603 of 2022

Arising Out of PS. Case No.-12 Year-2021 Thana- AURAI District- Muzaffarpur

Bittu Kumar Shahi Son of Devendra Shahi Resident of Village - Shahi
Meenapur, P.S.- Aurai, Distt.- Muzaffarpur.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Ravi Ranjan, Advocate

For the Opposite Party/s : Mr. Chandra Bhushan Prasad, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 18-04-2023 Heard learned counsel for the petitioner and learned
APP for the State.

Petitioner seeks bail, who is in custody since 25.01.2021 in connection with Aurai P.S. Case No. 12 of 2021, corresponding to Sessions Trial No. 181 of 2021, F.I.R. dated 24.01.2021 registered for the offences punishable under Sections 302, 506 of the Indian Penal Code.

Allegation against the petitioner is that he used to come to the informant's house and he always demanded money from her mother (deceased) and on refusal the accused petitioner used to threat to face the bad consequence. On dated 22.01.2021 co-villager informed the informant about murder of his mother and her mother was killed in the night of 21.01.2021 and the blood stain cloths has been recovered from the house of



the petitioner.

Learned 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 there is no eye witness of the alleged occurrence and on the basis of suspicion the name of the petitioner has been implicated in the present case. He further submits that from bare perusal of the F.I.R. it transpires that all the formalities had been done before filing the F.I.R. i.e. on 21.01.2021 but the present F.I.R. was instituted on 24.01.2021. He further submits that during investigation, no other cogent material has come against the petitioner to suggest the involvement of the petitioner in the present occurrence.

Learned APP for the State, on the other hand, on the basis of material available on record as well as case diary vehemently opposed the prayer for bail of the petitioner and submits that during investigation in paragraph nos. 7, 11 and 12 of the case diary, the witnesses have supported the prosecution case and apart from the aforesaid, blood stained cloth was also recovered from the house of the petitioner.

Vide order dated 02.03.2023, a report was called for with regard to the stage of the trial. Report dated 17.03.2023 of



the learned Trial court reveals that the trial is going on.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Sessions Trial No. 181 of 2021 arising out of Aurai P.S. Case No. 12 of 2021 pending in the Court of learned Additional Sessions Judge-20, Muzaffarpur.

Prayer is refused.

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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