

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.39726 of 2023

Arising Out of PS. Case No.-711 Year-2021 Thana- GARKHA District- Saran

Jeetan Rai S/O- Sukeswar Rai Village- Rampur Khakhi Baba Ke Tola Ps-
Garkha Dist- Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vijay Kumar Srivastva

For the Opposite Party/s : Mr.Raj Kishor Singh

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

5 16-10-2023 Heard learned counsel for the petitioner and learned
APP for the State.

2. The petitioner has prayed for bail in connection with Garkha P.S. Case No. 711 of 2011 instituted for the offence under Sections 302/34 of the Indian Penal Code.

3. As per prosecution case, the informant Chaukidar alleged that on 14.10.2022 when he was on duty near Durga Mandir, he saw that the accused persons including the petitioner are coming towards Durga Mandir riding on two motorcycles armed with *lathi, danda, sword and daab* and encircled the deceased namely, Ajay Rai who was standing near the shop of Madan Sharma. Co-accused Sujit Rai hit on the neck of deceased due to which he fell down and thereafter, co-accused Sunil Rai and Ravindra Rai caught the hand of deceased and



petitioner hit on the neck of deceased, which caused cut on his neck and due to spill of blood he died.

4. Learned counsel for the petitioner submits that the petitioner is innocent and committed no offence. He has falsely been implicated in this case. It is further submitted that the petitioner has got no criminal antecedent and languishing in judicial custody since 15.10.2021.

5. Learned APP appearing for the state has opposed the prayer of regular bail and submitted that the petitioner is named in the FIR and there is specific overt act of assaulting against the petitioner who assaulted by means of Daab on the neck of the deceased due to which he died. The postmortem report also supported the prosecution case.

6. In pursuance to the direction of this court, a report dt. 11.8.2023 with regard to present stage of trial has been received by which it appears that trial is likely to be concluded within a period of nine months.

7. Having heard the learned counsel for the parties and considering the fact that there is direct allegation against the petitioner, this court is not inclined to enlarge the petitioner on bail and, as such, his prayer for bail stands rejected.

8. The trial Court is directed to expedite the trial and



conclude the same within the stipulated period as mentioned the
above report, failing which, the petitioner may renew his prayer
of bail.

(Sunil Kumar Panwar, J)

lata/-

U		T	
---	--	---	--

