

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37128 of 2023

Arising Out of PS. Case No.-13 Year-2019 Thana- SUHAIL District- Gaya

=====

Jagdish Bhuiyan @ Jagdish Bharti S/O Godan Bhuiyan R/O Vill. Salaiya, PS.
Sohail Dist. Gaya

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

=====

Appearance :

For the Petitioner/s : Mr.Ajay Kumar Sinha, Advocate

For the Opposite Party/s : Mr.Yogendra Kumar, APP

=====

CORAM: HONOURABLE MR. JUSTICE ARUN KUMAR JHA
ORAL ORDER

4 26-07-2023 Heard learned counsel for the petitioner and

learned APP for the State.

2. In the present case, the petitioner seeks bail in connection with Suhail P.S. Case No. 13 of 2019, registered on 11.10.2019 for the alleged offences under Sections 147, 148, 149, 341, 323, 353, 325, 307, 504 of the Indian Penal Code. Subsequently, Section 302 of the IPC was also added.

3. This is the 3rd attempt of the petitioner to seek bail from this Court. Earlier the prayer for bail of the petitioner was rejected by Co-ordinate Bench vide order dated 17.03.2021 passed in Cr. Misc. No. 32126 of 2020. Thereafter, the petitioner approached before this Court vide



Cr. Misc. No. 6431 of 2022 and the said petition was dismissed as withdrawn vide order dated 21.10.2022 with liberty to the petitioner to move before the learned trial court and to raise all issues before it.

4. The allegation against the petitioner is that a police party went to execute warrant of arrest against him, the petitioner and a large number of accused persons after making an unlawful assembly attacked the police party with lathi-danda and in the attack by the petitioner and co-accused Ramjeet Bhuiyan, one constable namely, Pankaj Kumar Das received injuries who subsequently succumbed to his injuries. Other police personnel also got injured.

5. Learned counsel for the petitioner submits that the case has not been committed till date. The petitioner is in custody since 17.10.2019 and considering the stage of trial, since the case is yet to be committed, there is no possibility of conclusion of trial in near future. Learned counsel further submits that while rejecting the prayer for bail vide Cr. Misc. No. 32126 of 2020, the petitioner was granted liberty to approach the learned trial court for grant of bail which he availed.

6. Learned APP opposes the prayer for bail



submitting that there is specific allegation against the petitioner and co-accused for assaulting and killing a police constable, who was part of the police party which went to arrest the petitioner. Learned APP further submits that the petitioner and other co-accused are family members and due to absence of the co-accused persons police paper could not be supplied and for this reason the case has not been committed and this fact is apparent from the rejection order dated 02.05.2023. Learned APP further submits that the case of the petitioner is not similar to that of co-accused persons who have been granted bail by this Court as well as by Co-ordinate Bench.

7. Considering the serious nature of allegation against the petitioner, I am not inclined to enlarge the petitioner on bail and accordingly, the prayer for bail of the petitioner is rejected.

8. However, learned court below is directed to expedite the process of commitment and thereafter the learned trial court will take all steps and conclude the trial preferably within a period of nine months.

9. The Senior Superintendent of Police, Gaya is directed to ensure the production of all the accused persons



on the next date fixed in the learned court below and also the witnesses when the recording of prosecution evidence starts before the learned trial court on each and every date, failing which the Senior Superintendent of Police, Gaya would be liable to explain his conduct before this Court.

(Arun Kumar Jha, J)

DKS/-

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

