

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.41125 of 2022

Arising Out of PS. Case No.-5 Year-2022 Thana- SANGRAMPUR District- East Champaran

Chandeshwar Mukhiya Son of Alhe Mukhiya @ Aalhe Mukhiya Resident of
village - Koirgawa Been Tola, P.S.- Sangrampur, District - East Champaran.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Anuj Kumar, Advocate

For the Opposite Party/s : Mr. Anand Kishore Choudhary, A.P.P.

For the Informant : Mr. Sanjay Kumar, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 29-03-2023 Heard learned counsel for the petitioner, learned
counsel appearing on behalf of the informant and learned
Additional Public Prosecutor for the State.

Let the defects, as pointed out by the office, be
removed within a period of four weeks from today.

Petitioner seeks bail in a case registered for the
offences punishable under Sections 302 and 34 of the Indian
Penal Code.

Allegation against the petitioner is that he gave the
blow of iron rod (Khanti) on the chest of informant's son, as a
result the informant's son Aditya Kumar died on the spot.

Learned counsel for the petitioner submits that
petitioner has clean antecedent and he has falsely been
implicated in the present case. He further submits that the
allegation as alleged in the F.I.R. is that the petitioner gave the



blow of iron rod on the chest of the informant's son due to result the informant's son has died on the spot.

Vide order dated 14.02.2023 a report was called for with regard to the present stage of trial. Report dated 16.02.2023 reveals that the charge has been framed against the petitioner under Section 302/34 of the Indian Penal Code on 08.06.2022 and till date seven prosecution witnesses have already been examined including the informant and the case is pending for the prosecution evidence.

In view of the report of the learned Trial Court it appears that the trial is in advance stage.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with Session Trial No. 466 of 2022 arising out of Sangrampur P.S. Case No. 05 of 2022 pending in the court of learned 12th Additional Sessions Judge, Motihari, East Champaran.

Prayer is refused.

However, the learned Trial Court is directed to conclude the trial at the earliest.

(Rajesh Kumar Verma, J)

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