

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.44207 of 2022

Arising Out of PS. Case No.-2 Year-2021 Thana- LACHHUAR District- Jamui

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Md. Salik @ Md. Salik Mullick @ Md. Salik Mallick Son Of Late Md.
Julfkar R/O Village- Markama, P.S.- Lachchuarh, District- Jamui

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Arun Kumar Mandal

For the Opposite Party/s : Mr. Nirmala Kumari

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CORAM: HONOURABLE MR. JUSTICE JITENDRA KUMAR
ORAL ORDER

5 24-02-2023 Heard Ld. counsel for the petitioner and Ld. APP
for the State.

The petitioner seeks bail in connection with
Lachchuarh P.S. Case No. 02 of 2021, registered for the
offences punishable under Sections 341, 323, 302 and
120(B) of the Indian Penal Code and Section 27 of the Arms
Act.

The prosecution case as emerging from the FIR is



that on 03.12.2021 at about 04:10 P.M. when the informant and his father were waiting for a vehicle at Balda More, the petitioner and his associates came there on motorcycle and started indiscriminate firing on the father of the informant, due to which he died.

Ld. counsel for the petitioner submits that the petitioner is innocent and has falsely been implicated in this case. He further refers to the case-diary to show the contradictions of statement made by the informant in the FIR as well as in the video as collected by the Investigating Officer. In the FIR he has named the accused as main assailant, however, in the claimed video he has stated that five masked persons had attacked the victim resulting into his death.

He further submits that the petitioner has been languishing in jail since 20.12.2021.

It has also been stated in paragraph no. 3 of the bail petition that the petitioner has earlier been made accused in one other case.

It is also stated in paragraph no. 2 of the bail



petition that the petitioner has not moved this Court earlier either for anticipatory bail or regular one.

However, Ld. APP for the State as well as Ld. Counsel for the Informant vehemently opposes the prayer of the petitioner for bail submitting that the petitioner is the main assailant and the trial is at its fag end and prosecution case is fully supported during the trial and it is desirable to wait for the result of the trial rather than considering this petition for enlargement of the petitioner at this stage.

Considering the aforesaid facts and circumstances, particularly the fact that trial is at its fag end, I am not persuaded to enlarge the petitioner on bail at this stage.

This application stands rejected accordingly.

However, the Ld. Trial Court is directed to expedite and conclude the trial within a period of three month. If the trial is not concluded within three months, the petitioner will have liberty to renew his prayer for bail. The delay on part of the defence evidence will not be taken into consideration while calculating these three months

Ld. counsel for the petitioner is directed to remove



all the defects, if any, pointed out by the office within a period of one month and the Registry is directed to issue the certified copy of this order only after removal of office objections.

(Jitendra Kumar, J)

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