

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.67125 of 2022

Arising Out of PS. Case No.-261 Year-2022 Thana- BIBHUTIPUR District- Samastipur

PAWAN KAPAR S/o Late Bangali Kapar R/o Village- Bibhutipur Pandit Tola,
Tavka Ward no. 8, P.S.- Bibhutipur Distt- Samastipur. Petitioner/s
Versus

The State of Bihar Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mukesh Kumar No.1, Advocate
For the Opposite Party/s : Mr.Nitya Nand Tiwary, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

4 22-06-2023 Heard learned counsel for the petitioner, learned
counsel for the informant and the learned A.P.P. for the State.

The petitioner seeks bail, who is in custody since
29.06.2022 in connection with S.Tr.No.540 of 2022 arising
out of Bibhutipur P.S. Case No. 261 of 2022, F.I.R. dated
28.06.2022 registered for the offence punishable under
Sections 302 of the Indian Penal Code.

The prosecution case, in brief is that the informant
alleged that on 27.6.2022 at about 8.00 P.M. in the night his
son Shyamu Kapar was at his house then in the meantime
petitioner came at his house and told to his son to go with
him, upon which informant told to his son that you not go
with him, because some days before a quarrel was going with
him. It has further been alleged that when at late night his son
not returned then in the next morning he went to house of this



petitioner, but he did not meet. It has further been stated that on the next date he got information that a dead body was flowing in Kali Pokhar, thereafter he went there and saw that both hands of his son were tieing with Gamcha and blood was oozing out from his noes as well as he died.

Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. The allegation as alleged in the FIR is false and fabricated. Petitioner has not committed any offence as alleged in the FIR.

Vide order dated 12.04.2023, a report was called for with regard to the stage of the trial. Report of the learned Trial Court dated 20.04.2023 reveals that out of five chargesheet witnesses, three prosecution witnesses have already been examined and the case is pending for evidence of two official witnesses.

Considering the aforesaid facts, I am not inclined to enlarge the petitioner on bail in connection with S.Tr.No.540 of 2022 arising out of Bibhutipur P.S. Case No. 261 of 2022 pending in the court of learned Addl. District and Sessions Judge-1, Rosera, Samastipur.

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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