

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.72715 of 2023

Arising Out of PS. Case No.-908 Year-2022 Thana- ARA NAGAR District- Bhojpur

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AMIT KUMAR @ AMIT KUMAR SINGH @ DALDAL son of Satyendra
Singh @ Satendra Singh Village- Sheopur Anandnagar Ps- Ara Nagar Dist-
Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr.Diwakar
For the Informant	:	Mr. Akash Kumar Mishra
For the Opposite Party/s	:	Mr. Nagendra Prasad

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

2 09-11-2023 Heard learned counsel for the petitioner and Mr.

Nagendra Prasad,, learned Additional Public Prosecutor for the

State as well as learned counsel for the informant.

2. The petitioner is in custody since 28.08.2023 in
connection with Ara Nagar P.S. Case No. 908 of 2022 registered
for the offence punishable under Sections 341/323/324/307 of
the Indian Penal Code and Section 25(1-b) a/26/27/35 of the
Arms Act. Later on, Section 302 of the I.P.C. has been added.

3. As per the prosecution case, the petitioner and
others were trying to stop the sale of land by the informant and
his family members and they stopped them from executing the
sale-deed. Subsequently, the informant and his family members
which included the deceased were called by the accused side for



settlement and there all the accused persons including the petitioner assaulted the victim and one co-accused Mohit Kumar Singh had shot at the son of the informant who died.

4. Learned counsel for the petitioner submits that co-accused Mohit Kumar Singh is the assailant of the deceased and the petitioner was not present on the spot as he was appearing in an examination.

5. The defence of the petitioner is that he was appearing in the examination has not been raised before the Investigating Officer and this cannot be considered by this Court without being verified by the Investigating Officer.

6. So far as the argument of the petitioner is concerned that other similarly situated co-accused have been granted bail, the same is being opposed by the learned counsel for the Informant saying that they remained in custody for about 11 months whereas the petitioner has remained in custody for only about 2 ½ months.

7. Learned Additional Public Prosecutor appearing on behalf of the State has vehemently opposed the prayer for bail.

8. Considering the allegations levelled against the petitioner and the fact that this is not a case similar to the other co-accused persons, I am not inclined to grant bail to this



petitioner. It is, accordingly, dismissed.

9. The trial Court is directed to expedite the trial.

10. If there is no sufficient progress in the trial, the petitioner may renew his prayer for bail.

(Sandeep Kumar, J)

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