

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.107 of 2023

Arising Out of PS. Case No.-122 Year-2020 Thana- ALOULI District- Khagaria

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AJAY MUKHIYA @ AJAY KUMAR Son of Japaan Mukhiya R/V- Sardahi,
P.S- Alauli, Dist- Khagaria

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Shekhar Kumar Singh, Advocate

For the Opposite Party/s : Mr. Tarun Prasad Mandal, APP

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CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

7 28-08-2023 Heard learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The petitioner seeks bail, who is in custody since 08.07.2020 in connection with Alauli P.S. Case No. 122 of 2020, corresponding to G.R.No.1061 of 2020, F.I.R. dated 11.04.2020 registered for the offence punishable under Sections 302,307/34, 120(B) of the Indian Penal Code and Section 27 of the Arms Act.

3. Allegation against the petitioner is that he alongwith other co-accused persons and unknown persons started firing upon the informant's brother, namely, Jagdish Chandra Basu, as a result of which the informant's brother became injured thereafter the informant brought his brother at Primary Health Center, Alauli in which the Doctor referred the



injured for better treatment of Begusarai but in the way the informant's brother died.

4. Learned counsel appearing for the petitioner submits that the petitioner has falsely been implicated in the present case. Further submits that from a bare perusal of the FIR it appears that there is general and omnibus allegation against three accused persons including the petitioner that they have fired upon the informant's brother, namely, Jagdish Chandra Basu and the present occurrence had taken place due to previous Panchayat Election. Further submits that co-accused person, namely, Sunil Yadav has been granted bail vide order dated 16.09.2021 passed in Cr. Misc. No.35719 of 2021 and several other co-accused persons have also been granted bail by different Coordinate Benches of this Hon'ble Court.

5. Learned APP for the State, on the other hand, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner that he has fired upon the brother of the informant and the postmortem report also supports the allegation as alleged in the FIR and apart from the aforesaid the petitioner carries sixteen more cases other than the present one.

6. Vide order dated 17.07.2023, a report was called



for with regard to the stage of the trial. Report of the learned Trial Court dated 22.07.2023 reveals that four prosecution witnesses have already been examined. Now the case is pending for the examination of the two public and four official witnesses.

7. In view of the report of the learned Trial Court, I am not inclined to enlarge the petitioner on bail in connection with Alauli P.S. Case No. 122 of 2020, corresponding to G.R.No.1061 of 2020, pending in the court of learned Judicial Magistrate, Khagaria.

8. Prayer is refused.

9. 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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