

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.4710 of 2024

Arising Out of PS. Case No.-255 Year-2020 Thana- KOILWAR District- Bhojpur

Ashok Singh Son of Late Shivji Singh resident of village- Rajputan Pachaina
Mohmadapur P.S.- Koilwar District- Bhojpur

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Ram Anurag Singh, APP

CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

2 07-02-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Sessions Trial no.138 of 2022 (arising out of Koilwar P.S. Case no.255 of 2020) registered under section 302 of the Indian Penal Code.

3. As per the prosecution case, the informant states that the petitioner who happens to be the full brother of his father assaulted the informant's father with a *kudal* on his head and neck as a result of which he died.

4. Learned counsel for the petitioner submits that the petitioner who is the full brother of the deceased has been falsely implicated in the case because of family dispute. The trial has commenced in the learned trial Court and the three prosecution witnesses including the informant herein who has



been examined as P.W.2 have not supported the prosecution case and have been declared hostile. There is no chance of the petitioner being convicted and thus he be enlarged on bail. The petitioner is in custody since 24.6.2020, has no criminal antecedent and undertakes to cooperate in the trial.

5. Heard learned A.P.P. for the State.

6. Having heard learned counsel for the parties and taking into consideration the direct allegation against the petitioner in the F.I.R. wherein he is to be the assailant of the deceased, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial and to conclude the same preferably within six months from the date of receipt/production of a copy of this order.

(Partha Sarthy, J)

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