

**IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.32011 of 2024**

Arising Out of PS. Case No.-261 Year-2022 Thana- BARHIYA District- Lakhisarai

Santosh Kumar son of Late Kedar Singh Village- Indupur Ps- Barahiya Dist-
Lakhisarai

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Mayank Raj, Advocate

For the State : Mr.Umesh Lal Verma, APP

**CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER**

3 23-08-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. This is the second attempt for bail of the petitioner as
earlier such prayer was rejected by order dated 16.10.2023 in Cr.
Misc. No. 34203 of 2023

3. The petitioner seeks bail in connection with Barahiya
P.S. Case No. 261 of 2022 registered for the offence punishable
under Sections 302, 120B/34, 506 and 379 of the Indian Penal
Code.

4. The following order was passed on 16.10.2023 in Cr.
Misc. No. 34203 of 2023 which reads as under:



“Heard learned counsel for the petitioner; Mr. Jharkhandi Upadhyay, learned APP for the State and Mr. Santosh Kumar, learned counsel for the informant.

2. The petitioner seeks bail in connection with Barahiya P.S. Case No. 261 of 2022 registered for the offence punishable under Sections 302, 120B/34, 506 and 379 of the Indian Penal Code.

3. The allegation against the petitioner is that he committed murder of the brother of the informant along with other named and unknown co-accused persons, causing head injury.

4. Learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in this case due to land dispute going on between the informant and the petitioner. Six injuries have been caused by the prosecution on the deceased. The petitioner is one of the assailants of the deceased.

5. Learned APP appearing for the State opposes the prayer for regular bail of the petitioner.

6. Considering the nature of injury caused by the petitioner, I am not inclined to grant bail to the petitioner though it has been contended that one Gulshan similarly situated has been granted bail.

7. The trial Court is directed to expedite the trial.”

5. It has been submitted by learned counsel for the petitioner that the petitioner is in jail since 29.11.2022.

6. The report of the trial Court shows that the witnesses are not being produced.

7. The Superintendent of Police, Lakhisarai is directed to produce the witnesses on the date fixed in the trial. It is the responsibility of the Superintendent of Police, Lakhisarai to get the



witnesses examined on the date fixed.

8. This application is again dismissed.

9. If the trial is delayed further for the fault of the prosecution, the petitioner may renew his prayer for bail.

10. Let a copy of this order be communicated to the Superintendent of Police, Lakhisarai forthwith through FAX or e-mail for its compliance.

(Sandeep Kumar, J)

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