

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.37018 of 2024

Arising Out of PS. Case No.-158 Year-2023 Thana- FULKAHA District- Araria

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Pankaj Bahardar @ Pankaj Kumar Bahardar @ Pankaj Kumar B., Male, aged about 22 years, Son of Parmand Bahardar, Resident of Village - Chainpur, P.O. - Nawabganj, Ward No. 10, P.S. - Fulkaha, District - Araria

... .. Petitioner/s

Versus

The State Of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Vijay Kishore Bharti, Advocate

For the Opposite Party/s : Mr. Manoj Kumar, Advocate

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CORAM: HONOURABLE MR. JUSTICE RAMESH CHAND MALVIYA

ORAL ORDER

4 12-07-2024 Heard learned counsel for the petitioner and learned APP for the State.

2. The petitioner seeks bail in connection with Fulkaha P.S. Case No. 158 of 2023 instituted for the offences punishable under Section 302/34 of the Indian Penal Code.

3. As per the prosecution case, the son of the informant was killed by the accused persons including the petitioner.

4. Learned counsel for the petitioner submits that the petitioner is innocent has committed no offence and has falsely been implicated in this case due to previous enmity and local



politics. From perusal of the FIR, it appears that the occurrence took place on 03.11.2023 and the FIR has been lodged on 04.11.2023, after a delay of one day but there is no any plausible explanation in this regard. He next submits that the delay in filing the FIR suggest that the prosecution case is afterthought. Petitioner has got clean antecedent as stated in para 3 of the petition is in custody since 23.11.2023.

5. Learned APP opposes the prayer for bail.

6.From perusal of the case diary, FIR and also perused the impugned order dated 03.04.2024 passed by the learned 2rd Additional District and Sessions Judge, Araria, it appears that the allegation against this petitioner is specific that he caught the neck of the son of the informant and pressing his neck and assaulting brutally by means of legs and fists. When the informant raised alarm then the petitioner threw by side of wall and fled away after seeing the people coming. In the postmortem, the death was caused due to asphyxia. The son of the informant aged about 8 years, so considering all the circumstances and nature of offence, I am not inclined to grant bail to the petitioner.

7. Prayer for regular bail of the petitioner is hereby rejected.



8. The trial Court is directed to expedite the trial preferably within a period of one year from the date of receipt of a copy of this order.

(Ramesh Chand Malviya, J)

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