

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.42295 of 2024

Arising Out of PS. Case No.-143 Year-2020 Thana- BANIAPUR District- Saran

Rakesh Mushar S/o Gama Mushar @ Gaya Mushar R/o Village-Chorauan,
P.S. - Baniyapur, District - Saran

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

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

For the Opposite Party/s : Mr. Kumar Veerendra Narayan, APP

CORAM: HONOURABLE MR. JUSTICE RAJESH KUMAR VERMA
ORAL ORDER

5 18-09-2024 Heard Mr.Sanjay Kumar Singh, learned counsel for
the petitioner and Mr.Kumar Veerendra Narayan, learned A.P.P.
for the State.

2. The petitioner seeks bail, who is in custody since
11.11.2022 in connection with S.Tr.No.303of 2023 arising out
of Baniyapur P.S. Case No. 143 of 2020, F.I.R. dated 28.05.2020
registered for the offence punishable under Sections
147,148,323,324,307 and 302 of the I.P.C.

3. The prosecution story, in short, is that the informant
alleged that on 28.05.2020 the informant Krishna Mushar was
sitting in his house, in the mean time, the accused persons
including the petitioner armed with lathi, danda and rod came
there and told that Satrohan Mushar tired to outrage the modesty
of his sister Nilam Kumari. The accused persons committed



Marpit with the informant his brother Strohan Muashar and Nagendra Mushar. During course of Marpit the accused Rakesh Mushar gave a knife blow upon the chest of Vijay Mushar with Intention to kill. The blow resulted into death of informant's brother.

4. Learned counsel appearing for the petitioner submits that the petitioner has clean antecedent. He has falsely been implicated in the present case. As per FIR, allegation against the petitioner is that he assaulted with knife to the brother of the informant on his chest and he died. Learned counsel for the petitioner submits that although there is specific allegation against the petitioner and trial has begun and the statement of the brother and father of the deceased were recorded and both became hostile.

5. Learned APP for the State, on the other hand, on the basis of the material available on record and the case diary, has vehemently opposed the prayer for bail of the petitioner and submits that there is direct and specific allegation against the petitioner and apart from that, the informant has not been examined as yet.

6. In view of the aforesaid, I am not inclined to enlarge the petitioner on bail in connection with S.Tr.No.303of



2023 arising out of Baniyapur P.S. Case No. 143 of 2020
pending in the court of learned 12th Additional Sessions Judge,
Saran at Chapra.

7. Prayer is refused.

8. 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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