

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48401 of 2023

Arising Out of PS. Case No.-55 Year-2021 Thana- MURAR District- Buxar

Ajay Pandey Son Of Late Shiv Parsann Pandey Resident of Village - Pokhrah, P.S.- Bagen Gola, District - Buxar.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Ms.Soni Kumari, Adv. Mr. Dhirendra Kumar Sinha, Adv.
For the Informant	:	Mr. Arvind Kumar Mouar, Adv. Mr. Raj Krishna Jha, Adv.
For the Opposite Party/s	:	Mr.Ajit Kumar, APP

CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH MISHRA

ORAL ORDER

6 06-03-2024 Heard learned counsel for the petitioner and learned APP for the State as also counsel for the Informant.

2. Pursuant to the earlier order of a Co-ordinate Bench of this Court dated 03.01.2024, the court below has sent its report dated 09.02.2024, stating therein that charge has been framed against one accused person and after framing of charge, PW-1 has been examined among six charge sheeted witnesses. Rest five witnesses have not been examined. It has further been stated that if the rest witnesses are examined by the prosecution within nine months then the trial of this case will likely to be concluded within approx nine months.

3. The petitioner seeks bail in connection with Murar



P.S. Case No. 55 of 2021 instituted for the offences under Sections 302, 342, 120(B), 34 of the Indian Penal Code and Section 27 of the Arms Act.

4. As per prosecution case, while the Informant and his younger brother was working with his tractor trolley, the accused persons including the present petitioner, armed with fire-arms, came there and caused murder of the brother of the Informant/Subham by shooting with country-made pistol. It is alleged that the brother of the Informant got injury in his neck by bullet and was taken to Sub-Divisional Hospital, Dumraon where he was declared dead.

5. Learned counsel for the petitioner submits that the petitioner is innocent and has committed no offence as alleged against him and has falsely been implicated in the present case. There is an old enmity between the parties. He submits that there is no specific allegation of any assault on the deceased by the petitioner rather the allegation of firing on the neck of the deceased is against the co-accused Vikram Pandey. He further submits that there is a delay of two days in instituting the F.I.R. The petitioner has nine criminal antecedents as has been stated in paragraph no.3 of the present bail application. The petitioner is languishing in judicial custody since 24.04.2022. Learned



counsel for the petitioner again submits that the co-accused Uma Shankar Pandey and Rakesh Ray have been granted bail by a Co-ordinate Bench of this Court vide order dated 15.02.2023 passed in Cr. Misc. No. 43617 of 2022. Charge-sheet has been submitted in this case.

6. Learned A.P.P. for the State as well as Informant have vehemently opposed the prayer for grant of bail to the petitioner. It has been submitted that all the witnesses in the case diary have supported the prosecution case. The postmortem report also suggests the injury caused by fire-arm. It has further been stated that the petitioner has altogether nine criminal cases of similar nature of offences. There is specific allegation against the petitioner which serious in nature and, thus, the petitioner does not deserve bail.

7. Having heard rival contention of both the parties and considering the entire facts and circumstances of the case as also taking into account the report sent by the court below, this Court is not inclined to grant bail to the petitioner.

8. Accordingly, the prayer for bail of the petitioner, above named, is rejected with a direction to the court below to expedite the trial and conclude the same within a period of nine months from the date of receipt/production of a copy of this



order.

9. It is made clear that if the trial is not concluded within the aforesaid period of nine months, the petitioner will be at liberty to renew his prayer for bail before the court below which will be disposed of on merit without being prejudiced by this order.

(Rudra Prakash Mishra, J)

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