

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.54232 of 2024

Arising Out of PS. Case No.-367 Year-2010 Thana- DEHRI TOWN District- Rohtas

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Devgan Kharwar @ Devnath Kharwar @ Prakash Kharwar @ Nraiya Son of
Yogendra Kharwar Resident of Village - Jakki Bigha, Maninagar, P.S.- Dehri
(Town), District - Rohtas.

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	:	Mr. Rajesh Kumar, Advocate
For the Opposite Party/s	:	Mr. Dashrath Mehta, APP

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**CORAM: HONOURABLE MR. JUSTICE RUDRA PRAKASH
MISHRA**

ORAL ORDER

3 29-10-2024 Heard learned counsel for the petitioner and learned APP
for the State.

2. The petitioner seeks bail in connection with Dehri
P.S. Case No. 367 of 2010 instituted for the offence under
Sections 147, 148, 149, 324, 302 & 452 of the Indian Penal
Code and Section 27 of the Arms Act. Earlier four times prayer
of regular bail of the petitioner was rejected *vide* orders dated
13-05-2019, 20-01-2021, 13-02-2023 & 08-12-2023, passed in
Cr. Misc. No. 4100 of 2019, Cr. Misc. No. 87495 of 2019, Cr.
Misc. No. 62880 of 2021 & Cr. Misc. No. 69251 of 2023,
respectively.

3. Prosecution case in short is that co-accused persons



including the petitioner allegedly killed two persons by causing injury with sharp cutting weapon, in presence of the informant.

4. It has been submitted on behalf of the petitioner that the petitioner is in custody since 29-09-2018. Petitioner bears six criminal antecedents, as per disclosure made in paragraph No. 3 of the bail application.

5. It has been further submitted by the petitioner's counsel that petitioner has been falsely implicated in the present case. Learned counsel for the petitioner submits that from perusal of the FIR, it would reveal that FIR has been registered against the petitioner due to trivial dispute arising out of marriage. No incriminating article has been recovered from possession of the petitioner. Learned counsel submits that learned Trial Court has not concluded the trial within stipulated period.

6. Learned A.P.P. for the State has vehemently opposed the prayer for grant of bail to the petitioner. It is submitted that present one is the case of double murder and earlier on four occasions, regular bail of the petitioner was considered on merit.

7. A report was called for from the Trial court and it is reported that all eleven charge sheet witnesses have been



examined on behalf of the prosecution and case was fixed on 14-08-2024 for recording statement of accused persons, for which production letter is also issued.

8. Considering the aforesaid facts and circumstances of the case and perusing the trial court report, wherein it would transpire that trial is at the verge of its conclusion, accordingly, this Court is not inclined to grant bail to the petitioner. Prayer is *rejected*.

9. Trial Court is directed to expedite the trial as expeditiously as possible without any undue delay and unnecessary adjournments.

10. The District Magistrate, Rohtas and the Superintendent of Police, Rohtas are also directed to take necessary steps to produce the witnesses/accused on the date fixed in the Trial Court so that the trial could be concluded within the stipulated period.

11. Let this order be communicated to the District Magistrate, Rohtas and the Superintendent of Police, Rohtas.

(Rudra Prakash Mishra, J)

Raj Kishore/-

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