

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.59668 of 2023

Arising Out of PS. Case No.-686 Year-2018 Thana- BIHTA District- Patna

Pintu Bhagat S/O Kameshwar Bhagat R/O Village- Laxmanpur, Ps. Bihta,
Dist. Patna

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Vikalp, Advocate

For the Opposite Party/s : Mr.Uday Chand Prasad, APP

CORAM: HONOURABLE MR. JUSTICE MOHIT KUMAR SHAH
ORAL ORDER

3 16-02-2024 Heard the learned counsel for the petitioner and the
learned A.P.P. for the State.

2. The present petition is by way of fifth attempt at
the behest of the petitioner for grant of regular bail in
connection with Bihta P.S. Case No. 686 of 2018 for the offence
registered under Sections 302/34 of the Indian Penal Code
inasmuch as all the earlier petitions filed by the petitioner for
grant of regular bail have stood dismissed.

3. The case of the prosecution in brief is that the
brother of the informant, namely, Gopal Prasad had gone to the
house of one Gorakh Prasad who had called the brother of the
informant for giving treatment in his house. Subsequently, when
the brother of the informant reached his house, the accused
persons including the petitioner herein attacked the brother of



the informant with iron rod, lathi, danda in a very planned manner. The allegation against the petitioner is that he had assaulted the brother of the informant with iron rod on the head which resulted in grievous injury and led to his subsequent death.

4. The learned counsel for the petitioner has submitted that the petitioner is languishing in custody since 14.07.2018, without any substantial progress in the ongoing trial, hence the petitioner be granted the privilege of bail.

5. *Per contra*, the learned Additional Public Prosecutor appearing for the State has vehemently opposed the prayer for bail and has submitted that this Court, by an order dated 08.12.2023, had called for a report from the learned Court of ADJ-II, Danapur.

6. This Court finds that a report dated 21.12.2023 has been received from the learned Additional District & Sessions Judge- VII, Civil Court, Danapur wherein it has been stated that out of seven charge-sheeted witnesses, five unofficial witnesses including the informant have been examined and only the Investigating Officer and the doctor is remaining to be examined.

7. In view of the aforesaid, this Court directs the



learned Additional District & Sessions Judge-VII, Civil Court Danapur to ensure examination of the Investigating Officer as well as the doctor within a period of four weeks from today. The learned Trial Court is granted liberty to take appropriate steps, including resorting to coercive measures, as provided for under the law for securing attendance of the aforesaid witnesses. It is also directed that the learned Court shall make endeavour to conclude the trial, within a period of nine months from today.

8. At this juncture, the learned counsel for the petitioner seeks liberty on behalf of the petitioner to renew his prayer for grant of regular bail before the learned Trial Court itself, after lapse of nine months from today, in case there is no substantial progress in the ongoing trial. Liberty so sought is granted.

9. Accordingly, the present petition stands disposed off on the aforesaid terms.

(Mohit Kumar Shah, J)

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