

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.60572 of 2023

Arising Out of PS. Case No.-382 Year-2020 Thana- CHANDI District- Nalanda

Satyendra Das S/O- Late Mishri Das Village- Gopi Bigha Chamar Toli Ps-
Chandi Dist- Nalanda

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Alexander Ashok

For the Opposite Party/s : Mr.Binod Kumar

CORAM: HONOURABLE MR. JUSTICE SUNIL KUMAR PANWAR
ORAL ORDER

10 26-07-2024 Heard learned counsel for the petitioner,

informant and learned A.P.P appearing on behalf of the

State.

The petitioner is languishing in custody in a

case registered for the offences punishable under

Sections 147, 148, 149, 447, 448, 341, 342, 323, 307,

302, 380, 504, 506 of the Indian Penal Code and

Section 27 of the Arms Act.

The prosecution case as per F.I.R is that on

27.08.2020 at about 7 AM he sat with his family near

his house, then it is alleged that petitioner along with 35

others named persons surrounded his house armed with

illegal Arms. Amongst them one Sumangal Das abused



and told the informant that why are you not asking your son, not to approach police repeatedly when informant denied then Suresh Das ordered to shoot him. It is then alleged that Raj Kumar Das, Shivchandra Das, Jagdish Das, Pappu Das caught nephew of the informant Shankar Kumar and took him to terrace and Satyendra Das (Petitioner) shot him causing injury near his jaw and he fell down. It is then alleged that when the informant tried to raise alarm, Sumangal Das armed with pistol threatened to keep quiet otherwise he will also be shot. In the meanwhile other accused persons entered into the house and looted ornament of a value of about Rs. 30,000/- and cash of about Rs. 1,00,00/- and all accused persons fled away firing with their weapons. It is further alleged that after that the informant went to his nephew and found him dead. It is also alleged that cause of the incident is land dispute.

It is submitted by learned counsel for the petitioner that petitioner is innocent and he has falsely



been implicated in this case. There is previous land dispute between the parties. The informant is not the eye witness to the occurrence and has not seen that who has fired on the deceased and has only been implicated due to previous enmity. The petitioner is languishing in custody since 05.04.2021. A statement has been made in para 3 of the petition that petitioner has no criminal antecedent.

In contra, learned counsel appearing on behalf of the informant and learned A.P.P appearing on behalf of the State have vehemently opposed the prayer for bail of the petitioner and submitted that it is the specific case of the prosecution that this petitioner shot fire at the nephew of the informant, as a result of which, he sustained gunshot injuries and died. During investigation, the witnesses have supported the case of the prosecution and the doctor has also opined the cause of death due to shock and fire-arm injuries.

In pursuance to the direction of this Court, a



report with regard to the present stage of the case has been received which has been kept at Flag-C. The report of learned Additional District & Sessions Judge-IV, Hilsa, Nalanda dated 28.06.2024 suggests that trial will be concluded within four months.

Considering the gravity and seriousness of the offence, this Court is not inclined to grant bail to the petitioners. The prayer for grant of bail to the petitioner stands rejected.

The Trial Court is directed to expedite the trial and conclude the same within the time specified in its report dated 28.06.2024.

The petitioner will be at liberty to renew his prayer for bail, if the trial is not concluded within a period of four months, as stipulated by the Trial Court in its report dated 28.06.2024.

(Sunil Kumar Panwar, J)

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