

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.68939 of 2023

Arising Out of PS. Case No.-173 Year-2022 Thana- BAHERI District- Darbhanga

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PANCHU MUKHIYA S/O JIBACHH MUKHIYA R/O VILLAGE-
DHANAULI, P.S- BAHERI, DISTT.- DARBHANGA.

... .. Petitioner/s

Versus

THE STATE OF BIHAR

... .. Opposite Party/s

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Appearance :

For the Petitioner/s	: Mr. Girish Chandra Jha, Advocate
For the Opposite Party/s	: Mr. Rabindra Kumar, APP
For the Informant	: Mr. Kedar Jha, Advocate

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CORAM: HONOURABLE MR. JUSTICE PARTHA SARTHY
ORAL ORDER

5 05-03-2024

1. Heard learned counsel for the parties.

2. The petitioner has preferred this application for grant of regular bail in connection with Baheri P.S. Case no.173 of 2022 registered under sections 302 and 34 of the Indian Penal Code.

3. As per the prosecution case, Ravi Mukhiya armed with *khanti*, the petitioner and one Shivji Mukhiya armed with *chhura* and others armed with pistol etc. are said to have assaulted the husband of the informant leading to his death.

4. Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case. The informant is not an eye witness to the occurrence. The post-mortem report



does not support the prosecution case nor the injuries. The injuries, which have been found, are said to be lacerated in nature and thus the allegation of assault by the petitioner and Shivji Mukhiya with a *chhura* is not corroborated. The petitioner is in custody since 19.9.2022 and charge has been framed in the learned trial Court.

5. The application for bail is opposed by learned A.P.P. for the State and learned counsel for the informant. It is submitted by learned counsel for the informant that not only the petitioner is named in the F.I.R. but is said to have actively participated in the occurrence and the post-mortem report supports the allegation of brutal assault by the accused persons. It is further submitted that charge having been framed, the informant is ready to produce the witnesses as and when the date is fixed in the learned trial Court.

6. Having heard learned counsel for the parties and taking into consideration the nature of allegation against the petitioner and charge having been framed in the learned trial Court against the petitioner and one Arvind Devi, the Court is not inclined to enlarge the petitioner on bail and the application is rejected.

7. Learned trial Court is directed to expedite the trial



and to conclude the same at the earliest preferably within a
period of six months.

(Partha Sarthy, J)

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